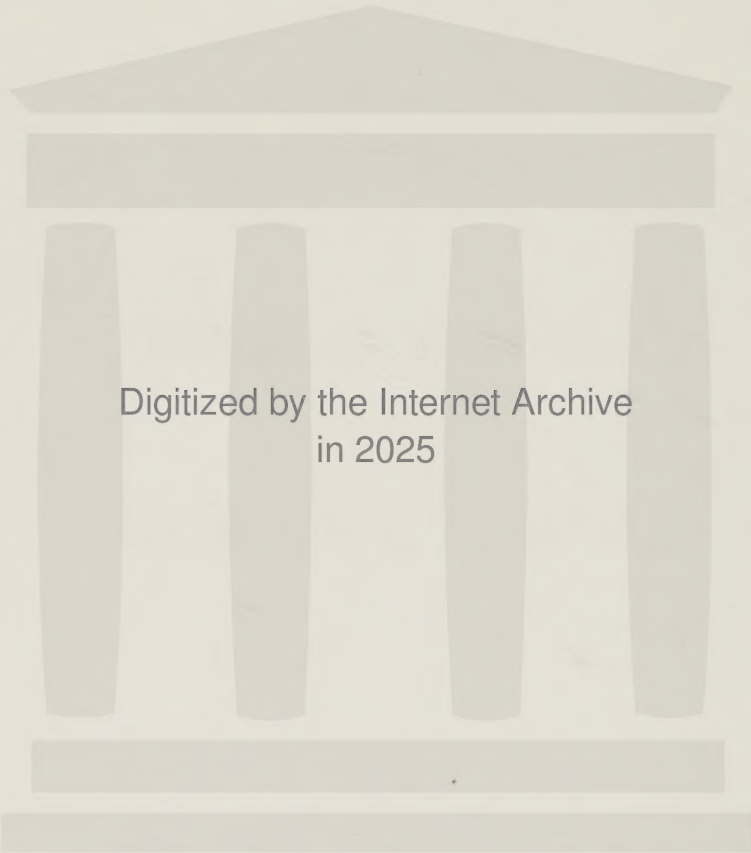


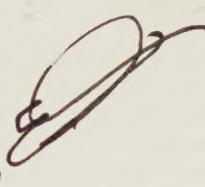
# **THE LAW AND JUDGE LYNCH**

**200 YEARS OF MURDER  
IN  
JOHNSON COUNTY, ILLINOIS**

**ED & DIANE ANNABLE**



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Birthday, Aunt Jola  
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# THE LAW AND JUDGE LYNCH

200 YEARS OF MURDER

IN

JOHNSON COUNTY, ILLINOIS

ED & DIANE ANNABLE



THE LAW AND JUDGE LYNCH

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Edward Lee and Susan Diane Annable

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## INTRODUCTION

The purpose of this book is to present a comprehensive account of murders in Johnson County during its first two hundred years, 1812 to 2012. Included also are manslaughter cases and some cases of attempted murder that are those that are without a doubt, failed attempts at murder.

The general rule is to present cases where someone was responsible for the death of another person. Some suicides are presented where there was an investigation that began with the assumption that someone else had killed the person. Accidental killings are omitted from this record because they were unintentional.

Covering the two hundred years of murder is a difficult undertaking because of the lack of court records. It is exceptionally rare to find any testimony in these cases. Most often, a Grand Jury indictment is all that may be found with a few copies of subpoenas for witnesses. Before 1870, newspaper accounts were difficult to locate and in most cases news accounts were never published.

After 1870, newspapers became more numerous in our area with articles often published in area, as well as, national newspapers. Several instances after 1870, when news was sought about an incident, the newspaper that carried that news has been lost.

Another note which should be mentioned here is that the authors have not included discussion of any death that was suspicious in later years but for which no legal action or arrests were made. Publication of such accounts would leave the authors open to charges of slander and legal action.

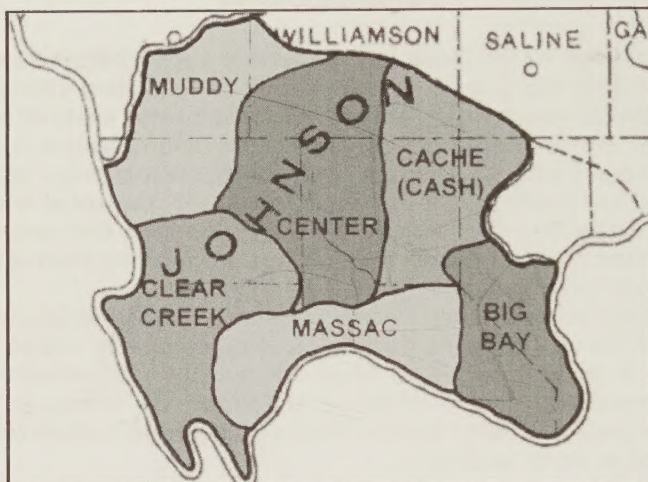
During the 1800's, even during the first few years of the 1900's, some murder cases from other areas were brought to Johnson County on a change of venue. These cases are included in this book because it shows the decisions made by these early Johnson County juries. Any person from another county who got a change of venue to Johnson, had half the battle won. The great percentage of cases brought here were decided with a "not guilty." It was the dream of any criminal to get a change of venue to Johnson County during these early years. The Court of later years have thankfully proved to be no friend to the criminal.

### THE BIG QUESTION – WHO IS JUDGE LYNCH?

Judge Lynch was a term used in old writings when vigilante action reared its ugly head – when people ignored the law and dished out their own punishment. It happened in Johnson County's history.

There were times when direct vigilante action was taken but more often it was subtle with juries ignoring the instruction of the judges and making decision that were contrary to good judgment to help their friends or punish their enemies. For many of the early years, Johnson County showed signs of vigilante action, showing up rarely in later times.

## THE LAW AND JUDGE LYNCH



*In 1812 Johnson County included all of the present day counties of Union, Johnson, Alexander, Pulaski and Massac. It included part of Pope, south and west of Lusk Creek; southwest corner of Saline, lower half of Williamson and southeastern Jackson.*

*Johnson County was divided into six townships which were also militia districts. No real map of the outline of these townships exists. The above map was drawn from an exhaustive study of persons who owned land in the various areas and were included in the townships.*

## FOREWORD

The authors have submitted to me a preliminary copy of this book, soon to be published. I have read excerpts from page one through the last page, page 327. The authors have expended much meticulous and time-consuming research in compiling scintillating, narrative accounts of two hundred years of murder in Johnson County. I became Circuit Judge in 1978, and the cases described from page 298 through 313 occurred during my tenure as Presiding Judge of Johnson County. Without reservation, the most horrific criminal case over which I have presided was the 1999 murder of eight-year-old Joseph Michael Duncan, the defendant murderer being Ernst Bruny. The boy's mother, Donna Duncan, was also convicted of a lesser felony. The authors have given an excellent, factual account of this heart-breaking, tragic event committed against a helpless, defenseless young boy. For those who are interested in Johnson County criminal history, this book is a must read.

Judge James R. Williamson



## THE LAW AND JUDGE LYNCH

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## 1813 – FIRST MURDER IN JOHNSON COUNTY

The first known murder after the formation of Johnson County occurred near or at modern day Mound City in February 1813. Although Mound City is now in Pulaski County, it was included in Johnson County at that time.

There are no known court records of the murders that occurred at that place. The only written records are old published accounts of the event.

The early settlement of Illinois Territory was sparse and people made acquaintance with their neighbors who may have lived miles from the area they chose as their homes. Bartlett Walter Conyers was a young man of 14 or 15 years in 1813 but he remembered well the events that surrounded the Mound City Massacre, as it became known. The period was in the midst of the War of 1812 which caused strained relations between the white settlers and the native Indians.

The Illinois Rangers, a militia group, was stationed at Fort Massac and responded to troubling events but were too few to cover the area. Each township had their own militia, the male inhabitants of the communities. The settlers were aware of the dangers but could do little to protect themselves as a group since they lived far from their neighbors.

One group of people, the Conyers family among them, established a block house near America, a small community on the Ohio River just north of Mound City. Bartlett Conyers remembered it this way: "My father's house was accordingly selected as the best place to make a defense. It was accordingly changed to a block house, and the settlers nearly all 'forted' up there. The Indians had a regular crossing about one mile above our house, and it was here that Old Tecumseh crossed the Ohio River when he went South to incite the Creeks and other tribes to go to war. The crossing was at a mouth of a little creek about one mile above America."

At the site of Mound City, there were two dwellings near each other, both set back from the river about a half mile. Thomas Clark and his wife, who were old enough that their children had grown and moved on to other areas, were alone in one cabin. The Phillips family had established themselves there in the second cabin. Mr. Phillips returned to Tennessee, leaving Mrs. Phillips with their 12-year old son William, and their daughter who was almost grown. A Mr. Kennedy had succeeded in enticing Mrs. Phillips into an arrangement where he moved in with the family and acted as the head of household. Mr. Phillips must have accepted the arrangement. There are no records to indicate if there was strife there or not.

On the 9th of February, a man by the name of John Shaver stopped at the Clark cabin. Shaver tied his horse near the back door of the cabin and was allowed in to escape the cold weather for a rest. While there, ten Creek Indians going back to Kentucky stopped by the area. They had met with other Indian tribes and things did not go as they desired so they were in a foul mood. This particular group of Indians had been exiled from their own tribe and were known to make trouble where they lived. That day's visit to the Clark cabin was intended to vent their anger over their present state.

Shaver saw the Indians as he arrived at Clark's and made note of them when he entered the cabin. Clark said he knew that particular group and had traded with them on occasion so he was not concerned. During the day

Clark went out to the smokehouse for some reason and upon returning, Shaver could see that he was alarmed about something. Shaver noticed this but Clark tried to dismiss the appearance of his alarm hoping that Shaver would not leave him and his wife alone.

The Indians asked for food and Mrs. Clark told them that they had to mill some corn for her so she could prepare it for them. They did as they were asked and food was prepared for them.

Five of the ten Indians left the Clark cabin and went to the Phillips cabin. Two of the remaining Indians stood at the open door so they could see the Phillips cabin. The remaining three sat by the fireplace. Shaver saw the Indian at the front door make signaling motions to those at the Phillips cabin. Screams and shouts began to come from the Phillips cabin.

As soon as the commotion began at the Phillips cabin, Shaver received a tomahawk blow on his forehead, gashing it terribly. He began to fall to the floor but recovered his senses in time to make a dash to the back door. Running between two Indians he headed toward the river, wiping the blood from his eyes so he could see. Two Indians had followed him out the back door but did not aggressively pursue him, thinking he would not be able to continue with the wound he had received. During the chase, one of the Indians hurled a hatchet at Shaver but missed. Shaver thinking better of retrieving it, continued on. He arrived at a small waterway that was full of water. He dived in and made his way to the other side.

The two Indians, not wanting to jump into the icy water, allowed Shaver to escape from them. When Shaver saw that they were not going to pursue him, he let loose with a series of curses directed toward them. He immediately went to the blockhouse of Conyers, a short distance up the river, near where America established itself. He went from there to near where Jonesboro now sits.

The Indians murdered the Clarks, the Phillips family and Mr. Kennedy. They then set about destroying the household goods and other possessions of the families that they did not steal and carry away with them.

A few days later, as news reached Fort Massac, the Captain, also a Mr. Phillips, came down the river with a company of troops to bury the dead. When they arrived they found that Clark and his wife had been killed in their house. At the Phillips cabin, they found the pregnant Mrs. Phillips disemboweled and her baby impaled on a stake at the corner on the outside of the cabin. Mr. Kennedy was found a short distance from the cabin where he was killed as he tried to flee. Young William Phillips and his sister escaped to the River and were not found for some time. William Phillips was found hanging to some tree roots where he had jumped in. Miss Phillips was found a half a mile below the scene in a drift of wood. It was assumed that they had been shot as they escaped.

A company of about twenty-five men set out to track the Indians but could not follow because of recent snows. The renegade Creek Indians were never brought to account for the murder of seven people at current day Mound City, then a part of Johnson County.

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## **1814 – JOHNSON COUNTY'S FIRST MURDER TRIAL**

### **John McIntire stabbed John R. Conley**

During the closing months of the War of 1812, old Fort Massac was an active military post. The Illinois Rangers, an active militia, was encamped there. Fort Massac also had several pioneers who had settled nearby. One of the soldiers, John McIntire, in an altercation with John R. Conley, stabbed the latter, wounding him so severely that he died later that day. The incident occurred on May 8, 1814.

Johnson County was formed on September 13, 1812, six years before Illinois became a state. The Illinois Territory had been formed from Indiana Territory only three years previous to this in 1809. The laws of the young Illinois Territory were being formed, using the Indiana law as a guide. The Courts of this fledgling territory were being created likewise; their practices and customs in their infancy.

The Territorial Law established several court systems from the bottom to the top. Beginning with the smallest of these units, the several townships within each county had their own court, the Justice of the Peace acting as the Magistrate. The County Courts dealt with the business of the county, more easily understood as the County Commissioners Court. Parallel to this was the Court of Common Pleas that dealt with matters on the county level similar to modern day Circuit Courts. Above the Court of Common Pleas was the General Court that ruled over capital cases and cases of appeal from the Court of Common Pleas in each county.

John McIntire, identified as a soldier, was taken into custody by an unnamed Constable (Andrew Kidd was Constable at that time) of Massac Township and taken before the Justice of the Peace, John Prichard. McIntire stated that he did kill Conley and was transported to the Seat of Justice for Johnson County, many miles from Massac Township.

Johnson County did not have a permanent Seat of Justice at the time of the murder of John R. Conley. When the county was established, the order was given that the home of John Bradshaw was to be the temporary Seat. Bradshaw had an older cabin on his property that he allowed to be repaired and prepared for holding court when needed. The location of the first Seat of Justice in Johnson County is about three miles west of the present Johnson/Union County line and two to three miles southwest of present day Link Creek.

Murder was a case that could not be tried in the Court of Common Pleas in Johnson County but had to be tried in the General Court of the Illinois Territory. The Sheriff of Johnson County, Thomas Patterson, dispatched a message to the court at Kaskaskia, the territorial capital at that time. The General Court there returned a message to Sheriff Patterson on June 3, 1814, ordering him to summons a Grand Jury and a Petit Jury. The General Court would meet and try the case in Johnson County.

McIntire was transported from Massac Township by William Stiles, Gilbert Marshall, William Cherry and Charles Perrin. The journey was a long one and could not be made in one day. When they arrived at Bradshaw's, the prisoner had to be guarded because an adequate jail had not

yet been constructed. The record does not say how many persons guarded McIntire but it was most likely at least two men when possible. Payment was made in this regard as follows: William Trip, \$1.50 for two days; Jesse Vinson, 75 cents for one day; John Russel, \$1.50 for two days; Zenal Alexander, 75 cents for one day; Hiram Tripp, \$3.00 for four days; George Smiley, 75 cents for one day and Owen Evans, \$48.00 for 64 days.

A special session of the General Court for Illinois Territory met at the Johnson County Seat of Justice on July 4, 1814. No record of the exact makeup of the Grand Jury exists but the following men were called: Jesse Griggs, William Simpson Sr., George Evans, John Spann, Solomon Snider, Alexander McGowen, Abraham Russell, William Osburn, Adam Clapp Sr., James Worthington, Benjamin McIntosh, Thomas Taylor, Christopher Leadham, David Shearer, Jesse Echols, John Prichard, Joel Johnson, Thomas Doyle, William Tripp Sr., Joshua Davis, John Phelps and John Russel.

All of these men had been summoned by the Sheriff, Thomas Patterson, to attend the Court. They were from all parts of the county, causing Patterson to ride many miles to notify them. They in turn, had to ride several miles to attend the court. There was no place for them to stay overnight except the facility described in the Commissioners Record, known as a "lean-to" attached to the cabin used as the Seat of Justice. Others attending Court had the same accomodations.

On July 5, 1814, the following day, the Grand Jury returned an indictment, "A True Bill," for murder.

#### Grand Jury Report

Illinois Territory, Johnson County, set

The Grand Jurors of the United States of America empaneled, tried, charged and sworn to enquire for the body of the county aforesaid on their oath present that John McIntyre late of the Township of Massac in the county aforesaid, soldier, not having the fear of God before his eyes but being moved and seduced by the instigation of the devil on the eighth day of May in the year one thousand eight hundred and fourteen, with force and arms at the township aforesaid in the county aforesaid in and upon one John R. Conly and peace of God then and there being feloniously, willfully, and of his malice aforethought, did make an assault and that he the said John McIntyre with a certain knife of the value of fifty cents which he the said John McIntyre in his right hand, then and there had and held the said John R. Conly in and upon the lower part of the throat, just above the breast bone, down into the breast of him the said John R. Conly then and there with the knife aforesaid, in and upon the lower part of the throat just above the breast bone, down into the breast, one mortal wound of the breadth of one inch and depth of seven inches of which said mortal wound... [some redundancy has been omitted here]

...the said John R. Conley on the eight day of May in the year aforesaid at the township aforesaid in the county aforesaid did language and languishing did live on which said eighth day of May in the year aforesaid, the said John R. Conly at the township aforesaid, in the county aforesaid, of the said mortal wound, died, and so the jurors aforesaid, upon their oath aforesaid do say that the said John McIntire the said John R.

Conly, in manner and form aforesaid feloniously, willfully, and of his malice aforethought, did kill and murder, contrary to the statute of this territory in such cases made and provided against the peace and dignity of the United States of America.

J. Griggs, Foreman

William Mears, Attorney General.

The next day, July 6, 1814, Court was called to session and a Petit Jury was formed. The prisoner was charged with murder and witnesses were called and sworn. Thirty-six men had been summoned before the Court to form a jury. Of those called, the following formed the final jury: Isaac D. Willcox, William Cherry, James Flanery, Isaac Flanery, James N. Fox, Wood Lampkins, Samuel Parmely, Thomas Reid, Samuel Woolsey, Israel Borin, Thomas Cochran and James Cochran.

Witnesses called were William Cherry, John Prichard, James Price and William Stiles. The appearance of William Cherry in both the jury and the witness list is in conflict. No explanation is given for this apparent discrepancy.

John McIntire plead not guilty at the opening of the Court. John Prichard, the Justice of the Peace and Magistrate for Massac Township, was called and made statement that the prisoner, John McIntire, had made a statement indicating that he had admitted to killing Conley. An objection was raised by McIntire's attorney, Russel E. Heacock, stating that the confession was not valid because it had not been reduced to writing within five days. The presiding Judge ruled that the statement did not have to be reduced to writing and therefore was valid. This is the first and only transcript of the proceedings that are recorded concerning the trial.

The prisoner most likely presented that he was not guilty for some reason which may have included self-defense. No record of testimony exists today but whatever was said in that session of the Court, the Petit Jury brought a verdict of "Not Guilty."

The prisoner was, without ceremony, set free and the first murder case tried in Johnson County became history.

A footnote to this story is that the Seat of Justice was moved about four miles east of the Bradshaw home to a place known as Elvira on September 12, 1814. The town of Elvira was named after the wife of the first Governor of Illinois Territory, Ninian Edwards.

---

## **1820 – MURDER IN VIENNA**

### **James Hawkins shot Samuel Langdon**

James Hawkins leveled a flintlock rifle on Samuel Langdon and pulled the trigger. When the smoke cleared, Samuel Langdon was dead with a lead rifle ball through his heart. Hawkins was a tavern keeper in Vienna on this day, November 20, 1820. No information is available concerning the reason for Hawkins killing Langdon. Hawkins had received a license for keeping a tavern at that place on April 14th, earlier that year.



## THE LAW AND JUDGE LYNCH

All that is known of Samuel Langdon is that he was between 25 and 45 years old, married, and had six children, five of them under ten years old. At the time of his murder, he lived at or near Vienna. Hawkins was more well known, he being about the same age as Langdon, married, with one teenage son. He also lived in Vienna at the time.

Vienna was a new town and Illinois was nearing statehood at the time of the killing. As Johnson County had become smaller, with other counties being formed from it, the time had come to place the Seat of Justice in the center of the county as best it could be geographically. The place was dictated by the Legislature of the Illinois Territory. On April 25, 1818, the new Seat of Justice was surveyed and buildings were being built for the Courts. Not until July 21, 1818, was any name given to the new town. It is noted in the county records that the name of the town shall be "Vienna." On that date, an order was given to begin selling lots. Later that year, in December, Illinois Territory ceased and the State of Illinois took its place.

With the Seat of Justice being at Vienna, the Court opened for business in a newly constructed log structure. On the court square with the new courthouse was another building that was larger. It was built to house jurors and others who had to spend the night in Vienna because of Court business. On the court square with these two buildings was a log jail with a trap door in the roof with a stray pen nearby. James Hawkins was the builder of the new stray pen and had purchased a lot in the new town of Vienna. James Hawkins became one of the first to be tried in the new courthouse at Vienna. He was also one of the first to be confined in the new jail.

More is known about James Hawkins and not all of it good. He was in Johnson County by 1814, living nearer to Elvira and most likely northwest of present day West Vienna. He served on juries at least five times. Most likely because he lived near to where the courthouse was located. There is some question about his character because of events in his past.

On September 7, 1816, Hawkins was awarded a horse that he found by the Sheriff. The procedure was for people to find animals, post notice in more than one conspicuous place and if the animal was not claimed, it was turned over to the county for sale. Hawkins claimed to have followed this procedure and charged the county \$10 for this service. The animal not being worth more, it was awarded to Hawkins as payment.

On June 5, 1817, a charge of Trespass on the Case was brought against Hawkins and Martin Girley/Gurley. Since the law was weak in convicting criminals, a civil charge of "Trespass on the Case" was often brought so injured parties could receive compensation. Hawkins and Girley had broken into the house of James Finney, Clerk of the Johnson County Court, and stole a large amount of money and county records. The county did not have a secure place to keep papers, evidence or other possessions, so the Court Clerk kept them at his house. The disposition of this case is not recorded.

In 1817, James Hawkins wife, Mary, was charged with stealing a horse. No disposition of this case has been located.

On August 9, 1817, Hawkins was charged with stealing two horses from David McInturf in 1814. The horses were found in Hawkins' possession in August 1817. The Grand Jury of Johnson County brought an indictment



against him which carried the punishment as death, a capital case. Hawkins was taken to the county jail and kept there.

On October 20, 1817, Hawkins escaped from the county jail. He was charged with "breaking the jail." An accomplice, identified as Watkins, a man of color, carried a key to the jail and managed to give it to Hawkins. With that key, he escaped the jail to avoid the charge of stealing two horses.

The disposition of these cases is not known but it might be assumed that Hawkins avoided any prosecution because he was a free man in 1820 when he operated a tavern in Vienna.

The case of killing Samuel Langdon was taken before a Grand Jury and an indictment was issued for murder. No record of a trial exists but every year in March for three subsequent years, a warrant was issued for the arrest of Hawkins. It appears that he may have left the area.

James Hawkins does not exist in the records of Johnson County after the charge of Murder was brought against him.

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## A TIME WHEN JUSTICE WAS NOT WORKING

The case of James Hawkins in 1821 is an example of how effective the Law was at achieving Justice. Criminals could be arrested, brought to jail with evidence and witnesses that should convict anyone. Unfortunately, this rarely happened. There has been much discussion on what caused the early courts to fail at their purpose but there have been no agreements among historians as to what went wrong.

Convicting a person who committed a crime in those early days was difficult for those who were jurors. It may have been because the jurors were not screened well and may have allowed persons whose purpose was to free the accused to sit on the jury.

Some of these pioneer citizens often had no respect for the Law, preferring to take matters into their own hands. They felt that they could mete out justice to those who needed discipline.

Another factor that made justice ineffective was the failure of the Courts to have serious sentencing for those who were convicted. Quite often, criminals were fined but failed to pay those fines and taken back to court to penalize them for failure to pay, but often without results.

Quite often the injured parties received no satisfaction for their losses. They often resorted to bringing suit against the offender to achieve some satisfaction in the form of monetary awards. Even this was flawed because the offender, even though he or she was ordered to pay a certain amount of money to the injured party, the awards went unpaid and court action to recover this was a failure.

The failure to convict because the criminal had high status in the community could sometimes be remedied by taking the case to another county where the jurors had no association with the offender. This practice was also circumvented by friends of the offender making it known to the citizens of the neighboring county that they should not convict the criminal, sometimes with good results.

## **1837 – CHANGE OF VENUE FROM POPE COUNTY**

### **John Belk shot Andrew D. Scott – Daniel & William Teague charged**

The failure of the Courts to achieve justice made it sometimes necessary for Courts to be moved to neighboring counties. Bias in the citizenry that made up the jury caused either false convictions or allowed guilty persons to go free. The following is a case that was sent to Johnson County by the Court of Pope County.

Andrew D. Scott died on the 19th of August 1837, as a result of a gunshot wound he had received two days before on August 17th. Records reveal very little about this case and no independent source material has been found concerning Mr. Scott's death.

A Johnson County Grand Jury found that Mr. Scott was shot in the right hip by John Belk on August 17. The wound received by the pistol shot most likely created infection that finally claimed the life of the victim.

Noted in the Grand Jury Indictment were two other men, Daniel and William Teague. They were declared to be present and had taken an active part in the shooting. The manner in which the Teagues were involved is not declared in the Indictment.

Persons familiar with the families of Pope County should recognize these family names. The Teague family, as well as the Scott family, are often mentioned in the early Pope County records. John Belk is not as familiar. This made a just decision by the courts difficult because of the popularity of some of these men. The county would have been divided in its loyalty and would make finding a jury difficult.

John Belk was charged with murder and Daniel and William Teague were charged with aiding and abetting the murder. Although indicted by the Grand Jury, there are no other records to reveal the outcome of further trials or court proceedings.

Grand Juries hear enough evidence to determine whether a person should be charged with a crime. The indictment only brings the accused to the court for trial and sentencing.

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## **1841 – DEATH BY POISON**

### **Daniel Mosley poisoned David Davault**

An act of murder may best be accomplished if there are no witnesses and being sure of the death of the intended victim, thus leaving no witnesses. A deliberate act of shooting, stabbing or any other act of violence is the usual form of murder that claims the final witness, the victim. Poisoning is usually a slower process that allows the victim to name the person and the process by which he or she is suffering.

On September 25, 1841, Daniel Mosley gave two drams of Arsenic to David Davault. The means of how Mosley gave this poison to Davault is not clear. According to a Grand Jury indictment, Mosley deliberately poisoned Davault for the purpose of murdering him. The manner by which Mosley caused Davault to ingest the poison is not known but the Grand Jury

indictment says "...David Davault not knowing the potion to be Arsenic..." This may indicate that Mosely gave the Arsenic to Davault under the pretense of giving him a medicinal potion.

The amount of Arsenic that can poison a person can be 100 to 300 milligrams if the Arsenic is the inorganic variety. Organic Arsenic requires 500 times more of the quantity to be effective. Calculating that two drams, which is what Mosley gave to Davault, this is equal to more than 3500 milligrams, more than ten times the amount required to cause death from inorganic Arsenic.

It is possible that Mosley gave the Arsenic to Davault for medicinal purposes, believing that it would cure some ailment that Davault had.

Daniel Mosley made one mistake. He allowed his victim enough time to identify who had poisoned him. The normal symptoms of Arsenic poisoning include abdominal pain, diarrhea, vomiting, as well as dehydration, etc. Poisoning by this method causes great suffering for the victim. No doubt, Mr. Davault suffered during his last hours. He died the following morning and a coroner's jury was summoned to find the cause of his death. This jury found that Davault had come to his death by poisoning which was given to him by Mosley.

Mosley was arrested and placed in the jail of Johnson County. Beyond that act, the record stops. There is no indication of whether Mosley was found guilty or not.

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## **1841 – A MURDERER NOT TRIED Morgan Morris shot William Edwards**

June 4, 1841 may have begun as an ordinary day for two men in Johnson County but by the next morning one would lie dead and the other would be on the run from the law.

Morgan Morris, 32 years old, with a wife and four children, became a fugitive after he shot Williams Edwards a little above the right hip with a rifle. It wasn't until the following day that Edwards died but Morris's future was about to change dramatically.

A Johnson County Grand Jury delivered an indictment against Morris and an arrest warrant was issued. Morris had left Johnson County and his whereabouts was unknown. Arrest warrants were issued yearly for ten years and still there was no word of where Morgan was.

The record does not note whether the effort was stopped or not but there are no copies of warrants beyond 1851.

Research into the Morris family has recently revealed the following information. Morgan Morris was born in 1809 in Tennessee. He married Elizabeth Parks while in that state. They had four children before leaving Illinois and moving to Marshall County, Kentucky when Morgan became a fugitive. They later had two more children. Morgan Morris died in Kentucky in December 1858.

No information could be obtained about William Edwards other than his being a man in his fifties when he died at the hands of Morris.



## **1841 – CHANGE OF VENUE FROM ALEXANDER COUNTY**

### **William Wilson killed Phillip Riddle**

Little information is available concerning this case found in the files of Johnson County. Evidence that it was a case that originated in Alexander County comes from the only document in the file.

According to the Grand Jury indictment from Alexander County, William Wilson first stabbed Phillip Riddle in the neck, giving him a mortal wound. He then beat Riddle upon the head with a large club described as being four feet long and four inches in diameter. That wound was also a mortal wound. Wilson did not stop there. He then used a rifle to shoot Riddle in the neck. That wound also being a mortal wound. There is no record of the disposition of the case.

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## **DECADE OF THE 1840's WAS MARKED BY A SURGE IN CRIME**

The early years of Illinois were punctuated now and then by criminal activities such as thievery, fighting, counterfeit money and a few murders. Those that made crime a way of life were few but their presence was noticeable.

The early courts found it difficult to get convictions that brought relief to the victims. Early citizens found that they could bring suit against those who committed crimes and could obtain monetary awards that were often difficult to collect, but usually brought more punishment than the sentences or fines of the courts. A favorite phrase that is found often in early court cases is "Trespass on the Case."

Even with the civil actions, the courts had no real power and crime did pay. Crime had no deterrent and became an organized effort. Counterfeiting was an organized enterprise. Persons could bring ten dollars in gold and receive a hundred or more in paper currency – paper that was absolutely worthless but could be passed as money to some people.

Gangs of thieves and counterfeiting operations were not deterred by being arrested. Their fellow criminals had ways of fixing the juries or bringing forth witnesses that could convince legitimate juries. These organized criminal enterprises became known as the "Flatheads."

Citizens began to fight back. They realized that the courts were not stopping crime and they knew that they would have to organize themselves and take care of things the old fashioned way. They began to dish out punishment to criminals that had previously escaped the wrath of the law. This organized group became known as the "Regulators." The 1840's saw the war between the "Flatheads" and the "Regulators."

The Regulators also protected their own when they were charged with violent acts. They became a powerful organization that itself was exempt from the actions of law enforcement. The powers of the Regulators, that at first was good for the community, became a bane themselves. They, in the end, became almost as corrupt as the Flatheads, and some might say, even more corrupt.



Vigilante action made its contribution to taming crime but itself was criminal. The Governor of Illinois, Thomas Ford, serving from 1842 to 1846, took action against the Regulators, who had themselves become corrupted. After the war between the Flatheads and the Regulators, vigilante action became taboo but it reflected the ideals of the local people who often "took care of things themselves."

The fight between law abiding citizens and the Regulators was a precipitating factor in Massac becoming a county and separating themselves from Johnson and Pope Counties.

James A. Rose was asked to present a speech to the Illinois State Historical Society in 1906 on the subject of the Flatheads and Regulators. That speech is reprinted in the appendix of this book on page 315.

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## 1846 – SHAMEFUL DEATH OF CHARLES SPENCER IN VIENNA

Those who have read Mrs. P.T. Chapman's book, *The History of Johnson County*, published in 1925, will recall an event that she mentioned concerning the tragic beating of a negro man on the streets of Vienna, causing his death. Mrs. Chapman recorded her information gleaned from the memories of the older people of Vienna. The event was most likely one that most people would pass down to later generations because of its shocking details. Here is the story of that event beyond what has previously been written about.

The east to west highway going through Vienna came into town on Main Street, passing around the Courthouse Square and passing on west. A hotel that was operated by Dr. Samuel Garry and his wife was easily accessible on this main road through Vienna. The hotel was located on the southeast corner of East Main and Third Streets.

According to Chapman, a traveler stopped and occupied a room at the hotel operated by Garry. He had removed his saddle bag and kept it in his room while stabling his horse at the nearby livery during his visit. While there, the stranger complained that someone had taken \$300 from his saddle bag. Charles Spencer, a local person was suspected of taking the money because he did chores around the hotel while the stranger was there. This incident happened on Thursday, March 26th.

Charles Spencer was a negro, known as a "colored man" in the common language of the people of Vienna in 1846. No information is available to determine where he lived about town or where he had come from. He was most likely one of the black settlers that lived outside the town limits but came into town during daylight hours to work where he could.

Who first accused Spencer of the theft is unclear but in retrospect it was likely that Dr. Garry's wife was involved in naming him. Charles Spencer denied taking the money from the traveler's room but the hotel owner made it known to others about town that he suspected Spencer of the theft and it didn't take long for word to spread to others.

Some of the men in town took up the cause and thought they could force Spencer to tell them what he had done with the money. Threatening him did

nothing to make him confess to the crime, so they resorted to more physical means.

The men about town were no ordinary street thugs, they were prominent men of the town who had joined their fellows in dispensing justice as they defined it.

This event took place in the midst of the period when the Flatheads and Regulators were battling one another. The Regulators were used to taking matters into their own hands and dispensing justice more effectively than the law could or would. What happened next at Vienna is reminiscent of the activities of the Regulators in dispensing their own brand of justice and taking care of things in their own special way.

Men about town tortured Charles Spencer thinking that he would eventually tell them what he had done with the money but their methods were ineffective. Not to be foiled, the inquisitors resorted to more severe means. Chapman says that they would hang him by his thumbs and beat him until he would agree to tell them where the money was.

When the inquisitors looked where Spencer said the money was, there would be none. Spencer was only attempting to get relief from the beatings he was receiving. Every time they tortured him, he would tell them something else and they would stop beating him to look for the money in another place that he had revealed.

They whipped him with hickory sticks, leather whips; cut him with knives; stomped on him and kicked and beat him with their fists. The inquisitors used all means available to get Spencer to tell them where the money was. Eventually Spencer stopped reacting to their torture and it was found that he had died. They had beaten poor Spencer to death in order to get him to confess to stealing the money.

When it was all over, someone took Charles Spencer's lifeless body to the Courthouse where it lay overnight. The next day a Coroner's Jury convened to determine the cause of his death.

The Coroner's Report states: "We the jury having been duly sworn and appointed by William J. Wise, Justice of the Peace acting as Coroner of Johnson County, State of Illinois, diligent to inquire and [tun?] presentment makes in what manner and by whom Charles Spencer (colored man) whose dead body was found in the Court House at Vienna in said County and State on the 27th day of March AD 1846, came to his death. After having heard the evidence the facts and a careful examination of the said body, do find that the deceased came to his death in a manner and by means of violence inflicted upon his body by William C. Kersey, Benjamin F. Furlong, David Y. Bridges, Joel P. Hawkins, Ephraim Davis, Tolbert Brummett, Elisha Ladd and Samuel Garry."

A second Coroner's Jury report stated that Joel P. Hawkins and Ephraim Davis and unnamed others were responsible for Spencer's death.

A Grand Jury was empanelled and found the following persons responsible for the death of Charles Spencer: William C. Kersey, Tolbert Brummett, Samuel J. Chapman, Benjamin J. Furlong, Elisha Ladd, Thomas Garrett, Ivy Reynolds, David Y. Bridges, Joel P. Hawkins, Ephraim Davis and William H. Price.

The Grand Jury indictment is abridged as follows: "...with their hands and knives, cow hides, whips, sticks and hickory withes, the said Spencer a man of color, to and against the ground, then and there feloniously, willfully and of their malice aforethought did cast and throw and that the said [defendants named, as noted above] with [weapons named again] then and there whilst the said Spencer a man of color was so lying upon the ground... ...in and upon the head, stomach, back, sides, feet and arms of him... ...then and there feloniously, willfully and of their malice aforethought, did strike, beat, cut, and whip, giving to the said Spencer a man of color then and there... ...in manner aforesaid several mortal bruises, wounds and cuts in and upon the head, stomach, back, sides, feet and arms... ...from the morning of the said twenty sixth day of March... ...of said mortal wounds, bruises and cuts died. ...[defendants named again] did kill and murder..."

Most embarrassing to those who inflicted punishment to Charles Spencer in order to make him tell where he had hidden the money, was the fact that Dr. Samuel Garry's wife eventually confessed to taking the money. The man they had beaten to death was indeed innocent.

Mrs. Garry, the former Mary L. Dickey, was probably not very happy about living in Vienna, and it may be that her theft of the money was part of a scheme to leave town. Dr. Garry may have finally accepted the fact that his wife was unhappy with him. They ceased living together on April 26th, five years after they had been married in Gallatin County, their former home. Their separation occurred exactly one month after the death of Charles Spencer. Whether she left of her own accord or whether Dr. Garry caused her to leave, there is no indication. He filed to end their marriage during that year in the Johnson County Court.

No convictions were ever made in the case of the murder of Charles Spencer. On August 26, 1851 the case was discontinued in the Johnson County Court. The list of names of the persons supposed to be involved is somewhat confusing. The story of the death of Charles Spencer was remembered for many years and no doubt was quite an embarrassment to all those who were involved.

## 1847 – MURDER BY SMALLPOX

### Dr. Fairlee accused of murdering Perry Herrill

In December 1979, the World Health Organization announced that Smallpox had been eliminated. The disease was no longer to be feared.

Smallpox was one of the more common diseases that infected people world over in the 1800's. Johnson County was not exempt. A quick medical course in this dreaded disease is as follows (from [emedicinehealth.com](http://emedicinehealth.com), an internet site):

People who have contracted smallpox initially develop such symptoms as fever, body aches, headache, chills, and, particularly, backache. Over half of people with smallpox experience chills and vomiting. Some become confused.



## THE LAW AND JUDGE LYNCH

A rash appears 48-72 hours after the initial symptoms and turns into virus-filled sores, which later scab over. The process can take up to two weeks.

Just after the rash appears, the virus is highly contagious as it moves into the mucous membranes. The body sheds the cells, and virus particles are released, coughed, or sneezed into the environment. The infected person can be infectious for up to three weeks (until the scabs fall off the rash). Live virus can be present in the scabs. After the scabs or crusts fall off (in two to four weeks), a depression or light-skinned scar remains.

Early in the course of the disease, the rash and pus-filled sores can easily be mistaken for chickenpox. Lesions occur first in the mouth and spread to the face, then to the forearms and hands, and finally to the lower limbs and trunk.

Smallpox was present in Johnson County in 1847, most notably in the Pleasant Grove community near the Johnson/Union County lines. In late May of that year, a Mrs. Gore was sick with smallpox and the community feared that their families would contract the disease. Smallpox often brought death to those who were infected with it.

Fearing for his family, Barnett Weaver called upon a Dr. Elijah Fairlee to inoculate his children to ward off the smallpox. Inoculation was not new. It had been done before 1800. The inoculation was done with a harmless disease known as Cowpox, or also known as Kinepox. This disease, so similar to smallpox but with none of the deadly side effects, once it was conceived, would guard against a person contracting the disease.

In 1803, Thomas Jefferson, in a letter to Meriwether Lewis, in preparation for their famous journey across the Louisiana Purchase, warned the explorers to carry with them the means to ward off smallpox. His letter said, "Carry with you some manner of kinepox."

Dr. Fairlee inoculated the children of Barnett Weaver; those being, Lacklin L., Barnet Jr., Catharine Ann, Jasper N. and Littlejohn Weaver. The children did contract a disease in eight or ten days, whether it was cowpox or smallpox, there is no evidence. With none dying, it was probably cowpox which would immunize them from smallpox.

While the Weavers were ill, a Mr. Perry Herill was present in the Weaver household. At the time of his visit, Dr. Fairlee was also present. According to testimony in the case that resulted, it was testified that Mr. Herrill related what had occurred when he visited the family.

Herrill stated that the doctor opened a vial of the inoculant and asked Mr. Herill to smell it, saying, "Does not it smell like a dead rat?" The doctor boasted that he had the power to cure the smallpox and had it locked up in his saddle bags.

Within a few days Herill contracted the disease and five days later, he died. Herrill had told the story of sniffing the vial of medicine to family members so they made charges that he had contracted the disease from that action.

A Grand Jury was convened bringing a "True Bill," charging Dr. Fairlee with Murder. When brought to trial in Johnson County, a change of venue was granted for reasons unknown. The venue went to Pulaski County.

The Pulaski County Court found Dr. Fairlee guilty, not of murder, but of manslaughter, and he was sentenced to the penitentiary for four years and six months. An appeal was filed and was taken up by the Supreme Court of Illinois in November 1849. During the session, additional testimony was brought forward. Notes from that session of the Court indicated the following:

That the smallpox was at that time, and had been for more than one month previous, within one mile of Weavers.

It was proved that the smallpox was brought to the neighborhood of Weaver by Mrs. Gore before defendant came to that neighborhood, and that several persons had taken that disease of her. That the deceased, Perry Herrill, was frequently with those who had taken the disease of Mrs. Gore before he took sick with the disease.

That Perry Herrill, the deceased, came to the house of Weaver while his children were sick with said disease. He was also frequently at one Standard's, where the family had the smallpox.

The Supreme Court of Illinois reversed the decision on several grounds. The prisoner was released and the case was dismissed.

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## **1852 – CHANGE OF VENUE TO WILLIAMSON COUNTY**

### **Jeptha Randolph Indicted for Murder**

Jeptha Randolph was indicted for murder in Johnson County on August 28, 1852. The only evidence of this is a notation in a book of court proceedings that simply states that fact and a date. No document folder exists in the county records. Another notation in the book of court proceedings states that on April 20, 1852, the case received a change of venue to Williamson County. No name was ever given for a victim of this murder. Jeptha Randolph, the person charged, remains a mystery because no one by that name has been found in Johnson County.

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## **1856 – WANTED MAN ON THE RUN**

### **David Bridges stabbed Daniel Walton**

David Bridges stabbed Daniel Walton on the left side in the lower ribs inflicting a wound measuring three inches in length and a depth of six inches. The incident happened in Johnson County on December 10, 1856. No details surround the incident concerning what had occurred between them. David Bridges fled immediately, his whereabouts continued to remain unknown.

Daniel Walton did not die immediately but languished for nine days, dying on December 19, 1856. The Grand Jury met and indicted Bridges on a charge of murder.

Warrants were issued over several years with the last one being issued in 1862. Bridges could not be found but information came to the attention of Johnson County officials that he was in Missouri and had been since March of 1861. A thorough search could not locate him and it is apparent that he had made his escape and would not be found.

Who was David Bridges? The David Y. Bridges that became prominent in Johnson County and married Lucretia Chapman IS NOT the one sought for in this case. The prominent citizen, David Y. Bridges, died a young man in 1857. His son, bearing the same name, also became a prominent figure in Johnson County.

The David Bridges that killed Daniel Walton is completely unknown as to where he came from, who he was related to, why he was in Johnson County and where he went after the murder. The trail finally ran cold in 1862.

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### **1857 – CHANGE OF VENUE TO MASSAC COUNTY**

#### **William Huckleberry killed James Atkinson**

The March Term 1858 Grand Jury of Johnson County returned an indictment against William Huckleberry for the murder of James Atkinson on September 4, 1857. The murder occurred in Johnson County even though the two men are believed to have lived in Massac County near the Johnson/Massac County line at the time. Huckleberry was immediately jailed for the crime. He was about sixty years old when the incident occurred; Atkinson was less than twenty years old.

According to the indictment, Huckleberry had stabbed Atkinson in the left chest, causing a wound of three inches wide and twelve inches deep, also stating that Atkinson lived about an hour after being stabbed. According to records, Huckleberry claimed that Atkinson and two others were beating him with sticks so he was defending himself when he stabbed Atkinson. According to information obtained elsewhere, the incident was caused by Atkinson stealing pigs from Huckleberry.

The case received a change of venue from Johnson County to Massac County because Huckleberry claimed that he could not receive a fair trial because the Judge, presumably William K. Parrish, was prejudiced against him. The case came to trial in Massac during December 1858. A jury brought a verdict of not guilty and Huckleberry was allowed to go free.

According to information by others, Huckleberry was again charged with another murder in 1864 over the theft of a log chain. He died while being tried for that case. His burial place, according to some information, is in the same cemetery that Atkinson, his first victim, is buried, but that is unconfirmed.

James Atkinson is buried in the Anderson Cemetery just north of Boaz, Illinois in Massac County. That cemetery is near the Massac/Johnson Coun-



ty line. His grave marker states that he was born December 18, 1838 and died November 9, 1857, differing from the date noted on the Grand Jury indictment. The marker also has the following inscription: "Killed by Wm Hucklebury."

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### **1860 – SELF DEFENSE**

#### **Samuel Leonard killed William Showen**

Reading the Grand Jury indictment of how Samuel Leonard killed William Showen on April 10, 1860, it could be assumed that Leonard was definitely the aggressor in the fight that killed Showen. The indictment states that Leonard stabbed William Showen between the ribs on the left side. Showen lived on until April 15, 1860 before death claimed him, apparently from the stab wound.

An affidavit from Samuel Leonard gives an account of how the incident happened. That document is not presented here but states that Leonard had moved to Johnson County not long before from Humphreys County, Tennessee and did not know many people here. He got the names of two witnesses, Lawrence Ralls and Green Massie, that could verify his claims.

Ralls told him that Showens said that if he caught him, Leonard, under the bluff, he would have his heart blood and that he intended, when he came upon him, to burst his brains out and that he would kill him. Green Massie was passing by when Showens, who had been following Leonard, jumped into Leonard's wagon and attacked him.

According to Leonard, he was defending himself when he stabbed William Showen and was not responsible for his death.

No other documents accompany the file of Samuel Leonard. No disposition of the case can be found. It is assumed that case was brought to trial in the Spring months of 1861.

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### **1860 – NEIGHBORHOOD SQUABBLE**

#### **Reuben Merriman shot Young Elkins**

The story of the killing of Elkins by Merriman is another mentioned in Mrs. P.T. Chapman's book, *History of Johnson County*, published in 1925. Chapman reports it as follows:

The killing of Young Elkins was a much talked of incident, and occurred sometime in the fifties in Vienna. There was a 'clock-tinker,' as they called them in those days, who came here with his wife from Jonesboro. His name was Merriman. John Bridge's young boys had been in the habit of going to his house and throwing rocks through the windows. One day he caught one of the boys and gave him a whipping. Young Elkins, was an uncle of these boys, and it seems, prided himself on his physical prowess, being full of liquor, went down in company with Ross Sanders, with rocks for weapons to give the old man a 'licking,' as he called it. Merriman ordered Elkins not to

come in, but Elkins paid no attention to the old man's order. He shot Elkins with a gun which he had made some time before by cutting off a rifle. The old man had used this improvised shot gun in the peaceful occupation of killing birds. It is supposed that he had expected trouble after he whipped the boy, and had loaded the gun with buck shot to defend himself. The sheriff put the old man in jail to keep Elkins' friends from mobbing him, and afterwards turned him out and ordered him to leave the community, which he did.

No local newspapers that are still available today carried the story. In a thorough search of out of state newspapers, the following was found from *The Daily Milwaukee News* (Milwaukee, WI) of Friday, July 13, 1860:

On Sunday, July 1, at Vienna, Illinois, a boy, son of John Bridges, amused himself by throwing stones at the residence of Mr. R.B. Merriman, one of which passing through the window struck Mrs. Merriman who was sick in bed, for which Mr. M. chastised the boy by inflicting a few blows. The boy then went home and informed his father of the circumstances, who, in company with a man named Elkins, went to the residence of Merriman to seek revenge for the assault upon the boy – Elkins went into the house and asked for a drink of water, he was told by Merriman where he could get it; but instead of getting the water, he struck Merriman a severe blow in the face with a stone, fracturing the jaw bone. M. seized a shot gun that was hanging on the wall, discharged it at Elkins, from the effects of which he died in a few minutes. At last accounts Merriman was in jail awaiting an examination.

A Grand Jury indictment, dated August Term, 1860, says that the shooting happened on April 10, 1860. The indictment also stated that Richard Y. Elkins was shot with a single bullet from a pistol, striking him in the upper right chest, and that he died five days later on April 15, 1860. Changes in the Grand Jury indictment, indicated by marking through words and replacing them, may indicate that the record was recorded in a manner less than efficient and accurate.

The Sheriff took Merriman into custody for his own protection because of fear that he would be harmed. He was allowed to leave the county in order to avoid vigilante action by the community.

Reuben B. Merriman would have been about 45 years of age in 1860. Chapman referred to him as an old man, the age being relative to whom was referring to him. Merriman may have returned to Union County from where he had come. However, no evidence supports this.

Richard Y. Elkins, also known as Young Elkins, is the son of John Whitley & Kizzie (Oliver) Elkins. His sister, M.A. Elkins, married John Bridges, making him the uncle of John Bridges children.

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### 1860 – JOHNSON COUNTY'S FIRST ABORTION CASE John G. Hardy charged

According to the laws of the State of Illinois, abortion was illegal until recent years in our history. It was considered to be taking the life of a human being; the same criteria for being included in this book.

No information is given in this case other than an order for a change of venue entered into the court record stating that John G. Hardy was charged with administering medicine to produce an abortion. The venue was changed to Pope County. No other information has been obtained concerning this case.

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### **1862 – ANOTHER MANSLAUGHTER CASE**

#### **Thomas Robertson & Sarah Cannel charged**

Could it be a coincidence that Thomas Robertson and Sarah Cannel were allowed recognizance bonds on February 10th and 11th respectively by Samuel Copland and I.N. Pearce, both Justices of the Peace for the crime of manslaughter? No victim is named.

There are no records that connect these two people. Their bonds are separate documents but advise each to appear at court on the second Monday of March 1862 to answer the manslaughter charge.

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### **1862 – CHANGE OF VENUE FROM UNION COUNTY**

#### **Andrew J. Bunch killed Francis M. Sumner**

Some of the cases that are difficult to try in other counties because of the prejudice of the people or for some other means, came to Johnson County. One such case, because of reasons unknown, came out of Union County by a circuitous route. It first had a change of venue to Perry County and because of difficulty in getting witnesses to that county, it was later changed to Johnson County. To relate the circumstances of the case, the article that appeared in the May 10, 1862 edition of the *Jonesboro Gazette* is presented here. It depicts a murder that occurred on May 3, 1862.

#### **Horrible Murder!**

#### **A Good Citizen Assassinated in Cold Blood**

On Saturday night our town was the scene of one of the most unprovoked and cold-blooded murders it has ever been our painful duty to record. A number of our citizens in the neighborhood of the residence of F.M. Sumner were startled by a heavy report from a gun about ten o'clock on the night mentioned, which was followed by agonizing screams. Heavy clouds rendered it dark at the time, and after procuring lanterns, a number of people started out to search in the locality of the report. For a time their hunt was fruitless, and they were on the eve of returning to their homes, and indeed a part of the crowd had gone, supposing the shot to have been fired by some thoughtless boys to produce an alarm. On passing the premises of Mr. F.M. Sumner, however, and looking into the yard, a most sickening sight met their eyes. Mr. Sumner, so well known, not only to the people of our town, but of the entire county, lay in a pool of blood, shot through the heart by the hand of a brutal assassin. The load, which consisted of a number of slugs and shot, was doubtless fired from a shot-gun, and had mostly passed entirely through



the body of Mr. S. He was lying flat on his back, his arms stretched at full length, and his right hand holding his handkerchief, which was matted with blood. Nearly half an hour intervened between the firing of the gun and the discovery of the body, and the extremities were growing cold and stiff. Three agonizing shrieks were probably all that escaped the lips of Mr. Sumner after receiving the fatal charge, as the entire upper portion of the heart was shot away, and the injury to the left lung alone would have soon resulted in death.

A crowd soon collected on the premises and the corpse was carried to the Jonesboro Hotel, where the deceased had been boarding for the past few months. A coroner's jury was summoned on the following morning, and a post mortem examination made, where the facts above mentioned were elicited. By this time the town was in a state of the most intense excitement, and the inquiry on every lip was, who committed this deed? The jury labored earnestly until near the middle of the afternoon to obtain some clue to the murderer, when a witness testified to a confession having been made to him by a couple of young men of our place. Their sudden flight an hour or two previous to the testimony alluded to before the coroner's jury, gave credence to the suspicion that had before existed, and parties were immediately started in every direction in pursuit. The accused could be heard of at different points, but generally managed well to elude their pursuers. Nothing satisfactory was heard from the chase during the remainder of Sunday, and night closed upon a gloomy and feverishly excited town. Although our people reposed to rest, not so with our vigilant sheriff and the anxious citizens who had joined him in the pursuit. Through the weary hours of the night they continued to search, and one of the accused parties was captured at the house of an uncle in Alexander county, sixteen miles below town. He was brought to town on Monday, and on the mittimus of the coroner, committed to jail. About twelve o'clock on Monday the other party was overhauled in the same neighborhood, and at once surrendered. He was escorted to town by the pursuing party, which, entering with the captive, resembled a shot-gun cavalry company just in from a scout. The latter was also committed to jail to await the action of the courts on the matter. The names of the accused parties, who have heretofore stood well in our midst, we shudder to mention in connection with so horrible an event, and we forbear all expression of opinion on their guilt or innocence, fearing that such might tend to defeat the ends of justice, and hoping that if they are guiltless of the dreadful charges they may be able to make the same clear to all. If guilty, they, of course, should receive the severest punishment known to the law. Such, we doubt not, is the feeling of the entire community. All desire that the crime may be fastened upon the guilty parties, but none could wish for a deed so unnatural and revolting to stain the life of an innocent person.

Mr. Sumner, the murdered man, was about thirty-two years of age, and had been a resident of our county from his infancy, and of our town for the past ten or twelve years. He was for several years city marshal and precinct constable, and quite prominent as a collector. His excellent business qualities, his cheerful and accommodating disposition, his proverbial honesty, and his earnest efforts for the supremacy of law and

preservation of peace and good order in our midst, rendered him a most valuable member of community, and one whose place will be hard to fill. His death will prove a great loss to the community. Mr. Sumner was a widower, his wife having preceded him to the grave some eight or nine months.

Francis M. Sumner, aged about 32 years, had lost his wife on August 22, 1861 when she was about halfway through her 28th year of life.

Union County caught the two perpetrators and indicted them soon after the murder. The accused were Andrew J. Bunch and Richard Provo. Bunch was about 25 years old at the time of the incident. After indictment, the two were jailed in Union County but later transferred to Perry County until A.J. had a change of venue to Johnson County. The disposition of the case against Provo is unknown.

The only record of court proceedings are from documents requesting a change of venue. In those documents, the statement that James J. Provo was a material witness in the case and could not be located, causing the trial to linger until it was moved from Perry County. James J. Provo was a material witness because he said that on the 4th of May, 1862, Bunch voluntarily confided in him that he, Bunch, was the murderer of Sumner and that he was responsible for the killing.

Other documents state that Bunch claimed to be at least one house away from the murder when it occurred, stating that he was innocent.

The case came to court in Johnson County in March of 1865. Bunch's attorneys had chosen well when they elected to have the case moved to Johnson. A verdict was reached on June 23, 1865. "We the jury find the defendant not guilty."

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### **1863 – ANOTHER SHOOTING**

#### **Abraham Nash shot Benjamin M. Adams**

According to a complaint filed by Felix McDaniel, a shooting occurred wherein Abraham Nash, holding a gun against Benjamin M. Adams, pulled the trigger, mortally wounding his victim on September 28, 1863. The Justice of the Peace hearing the complaint was S.T. Adams, a Cache Township J.P. An arrest warrant was issued against Nash on the same day as the incident.

A Grand Jury indictment for murder was issued against Nash in the March Term of 1864. An error in the indictment indicated that the incident occurred on February 10, 1864. It also stated that Adams did not die immediately but failed to say on what day he died.

An arrest warrant was issued in March 1864 and again in August 1864. Nash could not be located in Johnson County. A warrant was issued to the City of Paducah, KY on October 1, 1863, indicating that it was thought that he had escaped to that place.

Records stop as of 1864 and it is believed that pursuing him was not continued beyond that year. The case was stricken from the docket on June 22, 1865.

Research reveals that a Benjamin M. Adams died on October 2, 1863 in Union County. This is most likely the same B.M. Adams murdered by Nash in Johnson County, the shooting occurring four days before the death of Mr. Adams in Union County. If the Grand Jury indictment is correct, stating that Adams did not die immediately, this could be a match.

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### **1865 – KILLER ESCAPED**

#### **John A. Fleming shot James P. Hodge**

The Civil War was over and the country was trying to bring itself back to normal or as normal as could be with so many of its men now lying in graves. Johnson County was attempting to gather itself to a normal lifestyle when on August 1, 1865 the peace of the country was again shocked by the killing of James P. Hodge.

No recorded information reveals how or why the shooting occurred, but John A. Fleming shot Hodge, with the bullet entering his body just above the right hip and angling upward to stop near the breast bone. Hodge lingered for about one hour before he died.

Law enforcement officials were immediately notified and attempted to find John A. Fleming, the supposed murderer. Friends of Fleming hid him and helped him to evade officials until he could make his escape. According to the Grand Jury indictment, which named Fleming as the murderer, his accomplices were: George Herron, Thomas R. Bragg Sr., John N. Bragg, and Thomas R. Bragg Jr. They were charged with aiding and abetting the fugitive.

Fleming must have made a clean escape because arrest warrants were still being issued as late as June 1868. Then in September 1868, the case was dropped by the Johnson County Court.

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### **1866 – BECAUSE HE WAS TOO OLD**

#### **Thomas Simmons & Likey Graden Killed Nacy Simmons**

The writers of this document will depart from the normal method of writing in the “third person,” and allow the readers into our research.

Researching old newspaper articles, we found the following clipping from *The Montana Post* (a Virginia City, Montana newspaper).

An old man in Johnson county, Illinois, was killed by his two children, aged thirteen and fifteen, who beat him to death with clubs, after which they secretly buried him. The neighbors suspicioned all was not right, visited the house and questioned the children, when they ascertained they killed him because he was old and a great deal of trouble.



The article was troubling to us because we could not find this incident in the Johnson County court records. We did, however, find a criminal case that is probably what produced the article in the Montana newspaper.

The early newspaper editors subscribed to several other newspapers from which they got a lot of the news that was presented to their readers. Quite often, this news, after being passed around from paper to paper, would become corrupted like the child's game of whispering a message into another's ear and after going through several children, find the resulting message.

The authors of this material believe the following story fits the news article from Montana.

Nacy Simmons, an older man in his seventies was killed by two of his children, Thomas Simmons and Likey (Simmons) Graden.

Nacy was born in North Carolina and was married in 1821 in Tennessee to Rachel Ervin before they moved to Illinois, living in Johnson County in the Flatwoods area as early as 1840. They had five children: Likey, Jasper N., John C., Thomas A. and Levi G. Nacy's wife, Rachel, is presumed to have died previous to Nacy's death.

Thomas A. Simmons would have been about twenty years old and Likey, formerly married to Joseph Graden, but now divorced, would have been about twenty-four years old.

On March 7, 1866, Thomas and Likey beat their father with a large stick, a heavy broom stick, wounding him severely in the neck, head and face. According to the Grand Jury indictment, Nacy lived until the 12th of March before he succumbed to his injuries.

Arguments in the Circuit Court are not available for inspection but jury instructions have been saved in the court file. According to the jury instructions, it appears that the defendants may have claimed that their father was of poor health suffering from insanity and chronic diarrhea. The instructions recognize the argument suggesting that the elder Mr. Simmons did not die from his wounds but from natural causes.

Nothing in the record reveals the outcome of the trial but a piece of paper contains the words, "We the jury find the defendant not guilty."

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## SHORT OR NO SENTENCES WAS THE NORM

Sentences for major crimes were short if any was given at all in the period of time that followed the Civil War. These small sentences produced a generation of criminals that had little to fear from the Justice system. The cases that follow this will reflect the fearlessness of the criminals and the appearance of a lawless community.

Another factor that produced more violence was the fact that many of those returning from the War had already lived through a violent era and some found this a way of life that had become acceptable.

Even if a criminal was caught red-handed, there was very little likelihood of any major punishment. The citizens appeared to believe that they could better punish people than the Courts could. Criminals began to have no fear of the law.

## **1866 – SENT TO PRISON FOR MURDER**

### **Newton A. Pearson stabbed John Conder**

Newton A. Pearson, under the age of eighteen, stabbed John Conder in the lower left chest on July 10, 1866. Conder did not die immediately but suffered for fifteen days, dying on July 25, 1866.

A Grand Jury indicted Pearson and when he was tried in the Circuit Court, he was found guilty and sentenced to one year in the penitentiary. The short sentence may have been a result of doubt of whether Pearson was the one who wounded Conder. A witness, John Haley, was present or knew about the incident when it happened. According to court documents, John Haley was considered as an infant at the time and William Haley acted as security in a recognizance bond for John. There was a John Haley that was about five years old at the time, living in Johnson County.

Court was held in April 1867 and on April 8 of that year, a verdict from the jury stated: "We the jury find the defendant guilty of manslaughter and fix his time in the state penitentiary for one year." Before Court was closed, the verdict was arrested because he was under the age of eighteen years and was instead sentenced to thirty days in the county jail.

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## **1868 – VIGILANTE JUSTICE AT OLD WARTRACE**

### **Lannes Patillo shot Angereau Franklin**

Angereau Franklin saddled his horse and rode a short distance to where his daughter and son-in-law lived on Saturday morning, December 19th 1868. Margaret Franklin had married Samuel Coram in Kentucky where the entire family had lived prior to the Civil War. Samuel and Margaret had come to southeastern Johnson County at the beginning of the war. The Franklins and the Corams made their homes along what is now Nelson Lane and Clanahan Lane, just inside Johnson County on the east side, just south of route 146. Those two existing roads were a part of the road that led east and west between Golconda and Vienna.

Three riders on horseback were traveling west that early December morning. Soon after crossing into Johnson County, along the road from Golconda to Vienna, they came upon a lane leading to a farm. They turned into the lane and soon came upon the farm of Samuel Coram where they were met by Coram and his father-in-law, Angereau Franklin.

Franklin had been eating dinner, the noon meal, as it was referred to in those times. When the three strangers approached, the men met them outside. Upon arriving at the Coram farm, Mr. Franklin had tied his horse to a hitching post. One of the strangers saw the well-groomed mare and asked who it belonged to. Franklin said it was his and a horse trading conversation ensued. One of the strangers wanted to trade his horse for the mare tied up outside the home. Franklin informed him that he had no desire to trade horses and bid them leave as the strangers rode away.

After the conversation, Coram and Franklin went inside and finished their dinner. As they sat there after eating, Franklin asked Coram if he

would come over to his farm a short distance away to show him something. They agreed and went outside where they found the horse of the stranger tied up where Franklin's mare had been tied. Coram immediately saddled his horse and gave it to Franklin so he could pursue the thieves. Coram then located another horse so he could follow behind Franklin as closely as he could, which he did as soon as he was able.

Franklin, who had lived in Kentucky at the beginning of the Civil War, had come to Illinois to fight with northern forces. When he arrived in Johnson County, he formed a contingent of men who, when organized, had become known as Battery K of the Illinois First Light Artillery, formed at Shawneetown. Franklin became Captain of the Company and fought with this unit in Kentucky until March 31, 1862, when he resigned and returned home to Illinois. Captain Franklin had been a fighting man and knew how to handle thieves like those he pursued.

When Captain Franklin came near to where Joseph Modglin lived, he came upon the thieves who had taken his horse. When he came near them, one of the men told the others that it appeared like the man he had taken the horse from was pursuing them and they had trouble coming. One of the strangers gave his revolver to the man who had taken the horse. The man on the stolen horse turned and began firing at Captain Franklin as he rushed upon them with his gun drawn and ready to fire.

The thief fired a volley of three shots, all of which hit Franklin with one passing through his heart. The three strangers took to the woods to escape the threat of anyone finding them. When Coram came upon Franklin and found him dead, the message went out to neighbors and word passed around the community with tremendous speed.

A group of the neighboring men soon formed and went after the thieves. When they came upon them, about 3:00 PM, they immediately put them under arrest and brought them to old Grantsburg, also known as Wartrace. They were put under guard by the Justice of the Peace at that place. Some reports say that this was the home of Dr. Fern, who may have been the magistrate there.

One of the arrested men, Lannes S. Patillo, a twenty-nine year old man from Bowling Green, Kentucky, was the son of an attorney in that town. His family, being southern sympathizers, did not fare well when the war came to Kentucky. The father went to Texas when the War began and returned to Kentucky when the War was over. Upon his return, he found that he had suffered many losses in property and goods during the conflict. The Commonwealth of Kentucky had remained more or less neutral during the war with its citizens divided in their loyalty. Divided loyalty was not unique to Kentucky; their neighbor, Tennessee, also suffered this division although it was officially a Confederate State. Several troops that fought for the north were formed from both states.

After the war, some of the Patillo family had taken up residence in Texas where the family had stayed during the War. Lannes Patillo, one of those moving to Texas, was on his way to that state, passing through Illinois to get there, when he met two other men. When these men had passed through Golconda, they had stopped and were reportedly drunk and had presented



themselves as Texas Rangers on their way from Kentucky to Texas. They, no doubt, were attempting to present themselves in a rough and tough manner in order to impress the men of Golconda. Being young men, their boisterous behavior was most likely a great deal of fun to them but alarming to the citizens of Golconda. Presently they were in a great deal of trouble as the hastily formed posse had them under arrest.

When the three men had been taken back to Old Grantsburg, two of them were released after questioning. The official or officials there were satisfied that they had nothing to do with the theft or the shooting of Captain Franklin. Lannes Patillo was kept under guard without any problem until just after midnight.

During the prisoner's captivity, he had been questioned. According to reports, he was a man of very prepossessing appearance, quite intelligent, and claimed to be a son of one of the first lawyers of Bowling Green Kentucky.

Captain Franklin had been the leader of a group of men that had formed a lasting bond as they fought together in the war that had ended only three years before. Many of those fighting men that made up Company K, first Illinois Light Artillery, had been his neighbors in Grantsburg Township and when they heard of the death of Captain Franklin they gathered to make sure the thief paid with his life.

About 1:00 AM on Sunday morning, four blackened men attempted to force their way into the house where Patillo was kept, but were repelled. Later, with reinforcements, they made another attempt and entered the house, taking the prisoner by force. The vigilantes took him to a nearby tree and hanged him there. One newspaper, *The Bolivar Bulletin*, of Bolivar, Tennessee, reported the incident and said, "Judge Lynch officiated at an execution near Vienna, Illinois, a few days since."

Vigilante action had again reared its ugly head, reminiscent of the "Regulators" of earlier years who had taken the law into their own hands, bypassing the legal system that was in place at that time. The *Golconda Herald* of December 24, 1868, said,

This is an extreme case, but is one in which the decision of Lynch law was just. Though everything should be done to prevent any hasty action in time of excitement, yet we can but think that the action in this case was justified by the facts.

The *San Francisco Chronicle*, of California, recognizing the tragedy of vigilante justice, began an article with, "An affair both tragical and melancholy has just occurred in this country."

The body of Patillo was left to hang until the coroner was called the next day. No information is available to make it known what happened to the body of Patillo but it is possible that he was sent back to Bowling Green. The family was informed in some manner of the death of Lannes Patillo because the family Bible has the following entry, "L.S. Patillo departed this life Dec the 20th 1868."

Captain Angereau Franklin was buried at what is now known as the Clymore Cemetery located just off the Reevesville Road. His third wife is

buried there also. Captain Franklin left two former wives buried in Kentucky at an earlier time.

This event became well known and long remembered in the area in which it occurred. Mrs. P.T. Chapman made it more famous by including it in her book, *A History of Johnson County*, published in 1925. Her story came from the history of the event as it had been passed down through the generations and possibly from some that were there when it happened.

There is a story that says that this event is how Watrace got its name. The Watrace area got its name at an early time from the old trail that passed by that place. It was known as an old Indian Trail by the name of The War Trace. The trail passed by the west side of the settlement, passing north and south, crossing what is now Route 146, just east of Mount Shelter Care Road. In fact, the old road from Golconda to Vienna used this trail as it jogged north before again heading west as it crossed where present day Route 146 runs.

The reason some have said that Watrace got its name was from this incident, which was an action of the south, or men from Kentucky, killing a Captain of northern troops. The vigilantes used this as a justification for their actions. They saw it as an extension of the late war. They had come to dispense justice for one of their own.

It is possible that this explanation of the name of Watrace may have a hint of truth because of its reference to the late war. It was the last trace of the war in Johnson County. The people possibly memorialized the name "Watrace" with the event that occurred here. Although the name "Watrace" was attached to the area long before this incidence, it was revived in remembrance of what happened here.

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## **1870 – SHOT, BEATEN AND LEFT FOR DEAD** **James & John Harper tried to kill Thomas Welch**

The news of November 28, 1870 from the *Cairo Daily Bulletin* reported a dispute on the east side of Johnson County that ended with a near death. The story about the Harper boys beating Thomas Welch is as follows:

We are just informed of a terrible affair, which occurred in the edge of Johnson County, near Glendale, on the 12th inst., which resulted in the mortal wounding of a man by the name of Thomas Welsh. The particulars as near as we could gather them are as follows: Welsh, who is represented as rather a desperate character, was a tenant upon the farm of Mr. Joseph Harper, and was receiving his share of the rent corn, which John and James Harper, sons of Joseph Harper, were hauling to his house, which, it seems, he was dissatisfied with; stating that they only brought him nubbins. One word brought on another, until the damned lie was given, when Welsh started into the house declaring that he would shoot them; as he entered the door, James Harper drew his revolver and shot him, and followed him into the house shooting as he went. Welsh failed to find his pistol where he had put it, as it had been removed by his wife, and began running around a loom to escape the shots. He then came

round and seized James Harper and took the pistol from him, but before he could use it, John Harper snatched it from him and shot him through the shoulder. They then knocked him down with stones and kicked him a number of times, breaking his jaw bone, cutting his upper lip off and knocking all his front teeth out, and left him in a dying condition; and probably, before this time, he is dead. The two Harper boys came through this place, on last Monday night, making their escape. Another cause assigned for the difficulty, reflects upon the chastity of Welsh's wife.

The *Cairo Daily Bulletin* of December 7, 1870 gave additional details.

We are informed that Thomas Welsh, the man who was shot and beaten by the Harper boys, is slowly recovering from his wounds. We have not been able to get any particulars farther those given last week.

The Harper brothers had left Thomas Welch for dead. Thinking they would be charged with murder, they left the Johnson County area, going through Cairo, as reported above, making their escape. A Johnson County Grand Jury indicted them for assault to murder, stating that the incident occurred on November 19, 1870; and that they had used a pistol, stones and boots to commit the act, intending to kill him.

The Grand Jury action was on December 10, 1870. The State's Attorney, J.F. McCartney, stated that Thomas Welch was a material witness in the case and was no longer residing in Johnson County upon the farm owned by the Harper brothers father, Joseph Harper. Welch had moved to Williamson County for a while but was then residing back in Johnson near the Johnson/Williamson County line and had gone to work on the Cairo & Vincennes Railroad, making it difficult for him to testify in court.

Welch had also stated that the Harpers had come to his house and threatened to put him out of the house owned by Joseph Harper and then had shot and beaten and kicked him without provocation from him.

An entry in Criminal Record C, dated December 4, 1872, stated that the case would prosecuted no further.

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### **1871 – CHANGE OF VENUE FROM UNION COUNTY Peter Herin shot Cyrus Keith**

Peter Herin, the town Marshall of South Pass (Cobden), IL, was born in Bordeaux, France on October 28, 1832. When he was 22 years old, he came to the United States with his parents, entering through the Port of New Orleans on December 9, 1854. Settling in South Pass, he was a cooper by trade and was also a law enforcement officer in South Pass.

Another gentleman, well known and considered one of the more industrious and respectable citizens, Cyrus S. Keith was about 34 years old on August 3, 1871. The date brought these two gentlemen together in a conflict that would end with Herin killing Keith.

Cyrus Keith, respectable when he was sober, "but when under the influence of liquor was very boisterous, quarrelsome and annoying to the citizens



of the place (South Pass)," according to a Vienna newspaper. On August 3rd, Keith had been violating several of the village ordinances and was quite inebriated. Peter Herin, the town Marshall, found Keith in Jeude's Saloon that Thursday. When Herin attempted to arrest Keith, he was met with resistance. Keith, according to Herin, drew a knife and advanced toward him in a threatening manner. In response, Herin fired two shots from his revolver, killing Keith instantly.

John J. Keith, the brother of the deceased, filed a complaint two days later on August 5th before Judge Thomas Hileman. Herin was arrested without resistance and posted a bond of \$2000 for his release. The case took on the appearance that Herin had been wrong in his actions. The people of South Pass supported him quite strongly but it is uncertain how the remainder of Union County felt about what had happened and whether they supported the actions he had taken.

While waiting for his trial to come up in court, Herin's attorneys learned that their most effective material witness, J.T. Hardin, was in Dallas, Texas. He had left Union County and had taken his wife to Texas for her health on September 20, 1873. Without Hardin's testimony, other witnesses, who were not as sure about what they had seen, would not be as influential. Hardin had said that he would testify that Cyrus Keith was advancing upon him, Herrin, rapidly in a threatening manner with a knife in his hand.

There must have been considerable prejudice generated by the killing because the case was sent to Johnson County to be tried by a jury there. The case came before the court in the Spring of 1874. Several persons from Herin's hometown came to Vienna during the trial in support of him. The verdict came in May 1874. "We the jury find the defendant not guilty." The May 16th, 1874 edition of the *Jonesboro Gazette* stated that Peter Herin had been acquitted and the people in his hometown were satisfied even though the trial cost a great deal of money and consumed a lot of time.

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## 1871 – AMBUSH KILLING OF JOHN MURRY

The ambush killing of John Murry/Murrie is one of those that was never solved. No person was ever arrested for the crime, therefore there are no court records concerning this crime. The *Golconda Herald* of 27 July 1871 features the crime as follows:

Mr. A.H. Beal, Jr., while near the Johnson County line, on last Saturday, was informed of the assassination of a farmer by the name of Murry; the particulars of which, as he gave them to us, are substantially as follows: Mr. Murry was riding about his farm on horseback, unaccompanied by any one; when next seen, he was lying dead in the road with two bullet holes in his body. He was lying near a panel of fence which had recently been torn down, and, it is supposed, that whoever did the deed, adopted this plan to attract his attention, and, when he got down to put up the fence, shot him from some place of concealment near it. His friends are utterly at a loss as to who committed the act or what cause he had for

it. There is no trace of the murderer, as no one has any idea who it was, or who could have sufficient cause to commit the secret and bloody deed.

The Massac Journal had the following story:

Mr. Murry, on last Wednesday, had been over to Col. J.L. Wymore's threshing wheat, and was returning home in company with three other gentlemen. They were driving slowly along in their wagon, and had entered Mr. Murry's own lane, in about two hundred yards of his residence, when one of the gentlemen remarked to Mr. Murry, that "someone had let his fence down again." "Yes," replied Mr. Murry, "but I'll catch up with the d\_\_d rascal yet." Whilst these words were yet trembling on his lips, a flash was seen from the fence corner, just alongside; a report instantly followed, and John Murry fell over in the wagon, a bleeding and mangled corpse, pierced in the head, neck and breast by some seven or eight buckshot. The mules attached to the wagon took a fright, dashed off one hundred or more yards, ere they could be checked, and from this cause not a glimpse was seen of the murderer.

The Cairo Evening and Daily Bulletin of 27 July 1871 carried the same story as the Massac Journal but added the following:

On returning to the spot, an ambuscade was discovered in the fence corner, formed by breaking persimmon and other boughs to serve as a screen for the murderer, whilst he accomplished the hellish purpose, in which he was only too successful.

The perished, a man well known in this community, a useful citizen and a thrifty farmer. His beautiful home on the Vienna Road is left desolate, and an invalid wife left to buffet alone the tide of events, which full oft overwhelm the most hardy of life's voyagers.

No clue has yet been found to the murderer, but in the interest of civilization as against barbarism, we trust that his damning crime will find him out, wherever he may flee, and a guilty conscience fix the real of its power upon him until it shall be written upon his countenance in language too plain to doubt thou art the murderer.

Mae Chapman, in her book *A History of Johnson County, Illinois*, says that the deceased was named Murrie, rather than Murry, as the above articles have stated. She also notes that the crime was never solved but says that it was speculated that a man by the name of Holt was the murderer.

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### 1872 – JOHN C. CLYMORE MURDER MYSTERY

The April 4, 1872 edition of the *Cairo Daily Bulletin* published the following article from an unnamed Vienna newspaper:

Our village was horrified this morning by the report that J.C. Clymore, Esq. of our county had been murdered some six miles south of town near what is known as 'Indian Point.' Proceeding to the spot, there were presented evidences sufficient to confirm the report. Two huge hickory clubs were found stained with blood, and the trail was followed to the creek some thirty feet from the road, where it was discovered the body had been thrown over

the bank into the water some eight or ten feet below. The cap and some papers of the deceased, together with his saddle bags were found near at hand. No clue to the murderers as yet, and the greatest excitement prevails. The body had not been recovered up to this evening.

John Calvin Clymore, aged 52 or 53 at the time of this incident was a government claim agent who helped people to obtain money from claims they had against the government for pensions. The site of the murder was said to be on the Cache River at Indian Point. Modern maps may be deceptive in identifying Indian Point. The actual and original Indian Point is at a point where a high ridge comes near the railroad at the end of Forman Road, leading south from Forman. The Cache River runs near there.

Other reports say that Mr. Clymore's body had been found and it was speculated that he was murdered for money that he carried on himself. It is said that he had 100 dollars of his personal money plus 400 dollars in government checks from claims that he was delivering to other people. It was reported that John Clymore was murdered on March 29, 1872.

According to a Mr. Houchin, Mr. Clymore had been at his home at about 2:00 PM. Later that day, Clymore's horse came home stabbed in several places about the neck and shoulders. When the horse returned home, the Clymore family was greatly alarmed. They were afraid that he had met with some calamity and possibly murdered for his money.

A search was begun on the road that Clymore would have taken that day to an area known as the Black Slough in Massac County. They eventually came upon evidence of a combat that had occurred. They found his hat and several of the letters he had carried, scattered on the ground. They also found his saddle bags that showed that they had been rifled of their contents. The ground also showed evidence of a death struggle with indentations of footprints on the ground. They also found blood stains in several places. Most startling was the trail as if a dead body had been dragged, leading into the Cache River. The water was about fifteen feet deep at that point. They also found two or three hickory clubs along the side of the trail. The clubs were said to be heavy enough to have killed an ox. They came to the conclusion that Mr. Clymore had been murdered and his body had been thrown into the stream.

The stream was dragged thoroughly but there was nothing found. Mr. Houchin was then arrested and cleared of all complicity or knowledge of the crime.

While the search was going on, Mr. B. Simpson of New Columbia was returning home from Kansas and came through Cairo on Saturday, the day after the murder of Clymore. Simpson stated that twice on Saturday he saw Clymore who appeared to be very anxious to avoid him. Simpson said that Clymore stated that he was on his way to Columbus (presumably Kentucky) on important business and was in quite a hurry.

Frank Copeland also stated that he had seen Clymore at Caledonia sometime after the time that he was supposed to have been murdered.

The reports of sightings of Mr. Clymore fueled speculation that he had taken the money he was carrying that was intended for others and had left the country leaving his family and home. This resulted in the story that he



had faked his own death or that he had had an accomplice. The people of Johnson County were greatly mystified by these supposed sightings of Mr. Clymore after the time when he was supposed to have been murdered. They were torn between the two assumptions since his body had not yet been found but this difficulty was soon removed.

The May 7, 1872 edition of *The Pantagraph*, a Bloomington, Illinois newspaper, reported that the body of John C. Clymore had been found in the Cache River, two or three miles below where he was murdered, thus quieting the suspicion that he had endeavored to deceive the public and carry away funds not belonging to him. The Golconda newspaper had also reported that Mr. Clymore's body had been found.

The murderer of John C. Clymore had not been found and no arrests were made after the initial arrest of Mr. Houchin. The mystery surrounding the death of J.C. Clymore remained but new details intrigued the public and kept his story alive. *The Raleigh Sentinel*, of Raleigh, North Carolina ran this article on Monday, April 29, 1872:

#### Singular Fulfillment of a Dream

A singular case of the fulfillment of a startling dream has recently been added to the many well authenticated instances of such occurrences. A Mr. J.C. Clymore, of Vienna, Ill., in a letter to the Hon. Horatio King, of Washington, with whom he was in the habit of corresponding, mentioned incidentally that he had dreamed for four consecutive nights of being murdered. A few days later a dispatch from Chicago announced that J.C. Clymer had been murdered near Vienna on the evening of March 29. Mr. King, recalling the story of the dream, at once supposed that the murdered man must be his correspondent, although there was a slight difference to the spelling of the name. To make the matter sure he wrote to Vienna, and in answer received two letters from the postmaster of that place, from which it appeared that his conjecture was correct. Mr. Clymore left his home on the morning of the 29th ult., and was last seen alive in a desolate spot late in the evening of that day. The next morning his hat, saddle bags, papers, gloves and pieces of his clothing were found near where he was last seen. There were also two large clubs found, bearing blood and hair. The horse he was riding went home with a gash cut in one shoulder fourteen inches long. His body was afterward found floating in a stream. It was not known that he had any enemies, and it is supposed that he was murdered for money, as he was accustomed to have large sums in his possession. The Vienna Postmaster writes that Mr. Clymore related his strange dream to the last man he is known to have talked with.

The preceding article, while focusing on the prophetic dreams of Mr. Clymore, also reveals the story that was being accepted of the dead man's calamity. It also verifies that the body had been found. The dream prophecy was intriguing to those who believed in dreams being able to foretell the future but created amusement for those who did not.

The remainder of the year of 1872 was uneventful in regards to the investigation into Mr. Clymore's death. Nothing new was reported by any of the local or distant newspapers until February 8, 1873 when the *Jonesboro Gazette* printed the following article:

Some months ago J.C. Clymore, a citizen of Johnson county, disappeared from his home, and for a time it was thought that he had fled the country, with a considerable sum of money that belonged to other parties. About a week later his dead body, bruised and bloated, was found floating in Cache river. Still later he was seen in Cairo on his way South, and still later it was determined that the murdered or drowned man was undoubtedly Clymore. Now we have it on authority of the *Massac Journal* that Clymore was in Metropolis on Tuesday of last week, and accompanied his son to his home which is near the village of New Columbia. The sequel or explanation of this strangely mixed affair will be published by the editor of the *Journal* as soon as he gets hold of it.

The return of J.C. Clymore was a mystery in itself. Why did he do what he did? Where did he go? What should be done about the deception? Where did the money go? Who was it that was found floating in the Cache after Clymore was reported missing?

The *Cairo Daily Bulletin* of February 11, 1873 reported this confusing account:

He had intended to commit suicide, having concluded to take arms against a sea of troubles and by opposing end them. But just as he was about to shuffle off his mortal coil, he was attacked 'with a pain over his eyes' – life became a blank, and he knew no more until he found himself in Cairo. The pain over his eyes must again have afflicted him as he went from this city to Tennessee and there remained until recognized by some friends of his own county, after which he returned home.

The *Johnson County Herald* of February 13, 1873 published J.C. Clymore's own explanation:

I know there was, and will be the thousand questions asked, what would have been the cause of this strange and mysterious ramble? Sir, I would willingly answer the question if possible, for I have no cause or excuse for leaving which I could control, and the root cause of my leaving mental derangement, and that alone. I have done nothing to cause me to fear the face of man and I left with only \$107. Though I could have left at various times with five thousand dollars if I had wanted to leave my country. At the time I left, my health was bad, and I started not knowing where I was going. First I went as far as Jackson, Mississippi, and stopped there. The first train going north, I turned around and went north to Canton, Mississippi, where I was taken sick and lay from the early part of April until the last of June. It was then and not until then that I became conscious of my situation. I was then a miserable mortal, weak and feeble, without money, without clothes to wear, and among strangers and in debt to my physician and the man who took care of me, to the amount of \$81. As soon as I could pay up my debts and get a few clothes I again started north, and came to Jackson, Tennessee, where I finally met my son and with him returned to my old home, and am still greatly suffering from the disease in my head that I have been suffering with for seven years. I now wish to say to any friends, or to those I know were once my friends, I ask them in the name of my Master to forgive me, and that I greatly desire to see them all again.

Questions still persisting in this matter were repeated. What happened to the money he was supposed to be carrying for others? Who was the person found in Cache River?

John Calvin Clymore remained in Johnson County after this event and lived on until January 17, 1896, dying at the age of 76. It appears that no charges were ever filed against him and he continued his life where it had been interrupted.

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### 1873 – SAMUEL HAZLE ATTACKS JOSEPH BUSH

From the July 29, 1873 edition of *The Cairo Daily Bulletin*, stating that the information had come from the *Johnson County Herald*:

On Sunday last about 5 o'clock p.m., a young man named Samuel Hazle tried to murder a young man named Joseph Bush in cold blood by cutting his throat with a knife. Dr. W.J. Robinson was immediately called in. The wound inflicted was about seven inches long, extending from behind the right ear to below the corner of the mouth, which would have been fatal had it not been for the jaw bone. The Dr. sewed up the wound and pronounced it not fatal, unless the weather turned war to cause inflammation.

The said Hazle is a man of desperate character, while Bush is a civil and respectable man. It was premeditated that two others would have met with the same fate had not their antagonist backed out. When the matter is thoroughly investigated it will implicate others accessory to the crime.

Those who are implicated and the one that done the crime immediately eloped. They are in search for them but no discoveries have yet been made.

Considering that the news had originated in Johnson County, it is most likely that the incident happened there. A search of the Johnson County Court records does not turn up any criminal files against Samuel Hazel.

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### 1873 – CHANGE OF VENUE FROM ALEXANDER COUNTY

#### Elijah B. Dilts murdered George Dennie

The case against Elijah B. Dilts for the murder of George Dennie on April 6, 1856 became delayed due to an escape of Dilts for several years, forcing the trial to begin in 1873. This case, even though it originated in 1856, is placed where it is in this book due to the fact that it did not become a Johnson County case until 1873.

The best representation of facts of the case were published in the *Cairo Daily Bulletin* on September 27, 1873.

In the year 1856 Dilts was a resident of this county, and lived in Dog Tooth Precinct. There also lived in Dog Tooth a man by the name of George Dennie, and Dilts and Dennie were not friendly. On one occa-



sion Dilts and Dennie had a quarrel, which culminated in a rough and tumble fight, in which Dilts was severely worsted. Two weeks afterwards Dilts, in company with several other men, met Dennie in the road near the residence of Hezekiah Remmick, and picking up a club made an assault on him. Dennie twice succeeded in getting the club from his assailant, and both times threw it away. Dilts again picked up the club and attempted to strike Dennie with it, but the latter a third time succeeded in getting it away from him, but before Dennie could dispose of the club Dilts drew a pistol and shot him dead.

The murderer was arrested, and admitted the killing, remarking that he had "killed one d---d dog," and he "would kill two more before night." The county jail was then at Thebes, and it was there that Dilts was confined a portion of the time, and the rest of the time he was confined in the Union County jail at Jonesboro. After being in jail some eight or nine months he succeeded in making his escape, since which time he has been at large.

According to his own story, after his escape from prison he traveled to Kentucky, and a great portion of Missouri, at one time going from Sandoval to St. Louis in the same car with John Hodges and C.C. Cole, then sheriff of this county, he being unknown to them.

After going first to one place and then another for four years, he at length settled down in Leavenworth County, Kansas, where by industry and economy he succeeded in accumulating some property. However, he was regarded among his neighbors as a dangerous man, and is represented to have killed the stock of those with whom he was at enmity. On once occasion, while engaged in a dispute with one of his neighbors, he said that "he had had to leave one state, and if people were not careful he would have to leave another."

Several months ago, Sheriff Alex H. Irvin, by some means, obtained information of Dilts' whereabouts. Several weeks ago he armed himself with the proper documents and started for Kansas, where he found Dilts living on a farm about one mile from Fairmount Station on the Kansas Pacific Railroad in Leavenworth County. After arresting Dilts, Sheriff Irvin immediately started for home, where he arrived on last Wednesday morning, safely lodging the prisoner in the county jail. At the time Dilts was arrested the identical pistol with which he shot Dennie was found upon his person.

The finding out of Dilts' whereabouts, his arrest, and bringing him back to this county, are all achievements of which Sheriff Irvin may justly feel proud and will be duly appreciated by the people of this county.

Facts not included in the above story are that Dilts shot Dennie in the left breast, the result being that Dennie lived about ten minutes before he died. Dilts was indicted by the Alexander Grand Jury on April 20, 1856.

After his arrest in 1873, Dilts was brought before the court in Alexander County with the result that he was given a change of venue to Johnson County. His trial did not begin in Johnson County until September of 1874.

The trial, when it finally began, lasted only about two days, including the jury deliberation. Dilts stated that George Dennie had picked up a stick and he, Dilts, acted in self defense, shooting him. The jury returned the verdict on September 3, 1874. "We the jury find the defendant not guilty."

## 1873 – CHANGE OF VENUE FROM ALEXANDER COUNTY

### Daisy Breese murdered Don Breese

In late 1873 another change of venue case came to Johnson County from Alexander County. This case concerned the murder of Don Breese by his brother, Daisy Breese; the murder occurring July 31, 1873. The *Cairo Daily Bulletin*, because the murder happened in their county, had extensive coverage of the events as they happened. Because this is a change of venue case, the extended story will not be published here.

The two Breese brothers were known to be a little on the shady side, committing several petty crimes in their lifetime. As the time for them to be brought up before the Grand Jury came nearer, they hatched a plan to sell some of their livestock and disappear for a while, thus evading the law enforcement officers that would soon be coming after them, eventually delivering them to the penitentiary. One of the schemes involved cheating Daisy Breese's father-in-law out of the price of a horse. It was Daisy who came up with this scheme but Don did not like it because Mr. Walker, Daisy's father-in-law, had been good to them and he didn't wish to involve him. Don even went as far as to tell Mr. Walker of this plan. That caused bad blood between the two brothers.

They did succeed in selling some stock and purchasing some horses to make their escape. Nothing was heard of them for a while; the next news of them was when they were seen coming into Alexander County from Union. Some details of what happened to them will never be known but it is reported that on the 31st of July, Daisy murdered his brother Don and hid his body several yards off the road they had been traveling.

News of something evil going on in the north of the county had been rumored for a few days. A few days after the murder, a boy reported that Daisy Breese had met him on the road the day after the murder wanting to trade some pants with him which they did. After hearing of the murder, the boy reported this and noting that the pants had been covered in blood.

The afternoon after the murder, a young man by the name of Holmes discovered the body and the news went out over the community quickly. Some of the men who went to investigate recognized the body as that of Don Breese. Two of the men, Mr. Walker, the father-in-law of Daisy Breese and a Mr. Greenlee went to Cairo and reported the murder. It was quickly surmised that Daisy was the one who had killed his brother.

Sheriff Irvin, who seemed to never fail when he was looking for a criminal, asked Mr. Walker and Mr. Greenlee to go with him to Carbondale on the Illinois Central. From there, they went into Williamson County a short distance and located Daisy Breese. Breese escaped out of the house but was later captured, receiving a bullet wound in the shoulder.

After returning to Alexander County, Daisy Breese was kept in the jail there. He was granted a change of venue to Johnson County because of the prejudice toward him in Alexander County. The people of Alexander County were relieved to know that they did not have to perform the hanging when he was convicted. They thought Johnson County would have to do the honors.

In May 1874, Daisy Breese was brought to Johnson County and court proceedings began. His conviction was a foregone conclusion in Alexander County but Johnson County was not known for convicting murderers, but this time the Johnson County jury came through with a conviction. Daisy Breese was sentenced to life in prison.

Breese was taken to Joliet Penitentiary by Johnson County Sheriff, A.J. Gray, who reported back in three days stating that Daisy Breese was safely within the walls of the penitentiary. As late as January 28, 1891, the *Chicago Tribune* stated that he was still there.

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## **1874 – UNKNOWN MANSLAUGHTER Sabe Peterson charged**

Documents have not been located to delineate on the charge of manslaughter against Sabe Peterson in 1874. A document, a file attachment, states that William C. Underwood is to be brought to Vienna to testify for the people in a case of manslaughter where Sabe Peterson is the defendant. Another identical document states that William E. Goddard is also to testify for the people in the case. Both were to appear on December 30, 1874.

Deputy Sheriff J.J. Hester noted that he could not find William C. Underwood. Hester also noted that he found Goddard and that he was in his bed and seemed to be very sick but promised to be in Vienna at court on December 30th.

Peterson's trial began in December 14, 1874. The jury came back with a verdict of: "We the jury find the defendant guilty of manslaughter as charged in the indictment and we fix his punishment at imprisonment in the penitentiary for the term of seven years."

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## **1874 – CHANGE OF VENUE FROM ALEXANDER COUNTY William Gupton killed Anthony Eschbach**

Anthony "Andy" Eschbach, a barber in Cairo, closed his shop for the day to attend the funeral of the child of his neighbor, Herman Blom, at Villa Ridge. Returning to Cairo, he stopped by his barber shop to make sure it was clean when he opened again on Monday morning.

Not too many minutes had passed when William "Bill" Gupton, a steamboat captain who usually plied the Tennessee River, stopped by. Gupton was known as a rough character. When he entered, he told Eschbach that he wanted a shave. Eschbach told him that he was not open and for Gupton to come back on Monday. Gupton would have nothing of this and began a heated argument with Eschbach which concluded with Eschbach telling him to leave.

Gupton, who settled arguments by force, drew his revolver and shot Eschbach twice and backed out of the front door. Eschbach, still able to stand, pushed the front door shut and Gupton fired another shot through the glass of the door. Eschbach moved away to escape and Gupton shot again.



Gupton left immediately and Eschbach followed, yelling that Gupton had shot him and asked for people to catch him. Several people had gathered by that time and one of them wrestled the pistol away from Gupton. Eschbach went back into his shop and his friends called for Dr. Wardner. When the doctor arrived, he cared for the wounded man as best he could, but Anthony Eschbach lived only about another half hour.

Gupton was immediately put in jail. People began to gather in small groups with thoughts of taking care of Gupton for his deeds. Everything remained quiet for the rest of the day until about 11:30 that night. Cairo at that time, had several organized fire departments. One, the Arab Fire Company, a nearby station, rang their bell and when their men gathered, started for the courthouse to lynch Gupton. Other fire companies were called upon to counter this offensive and the threat was relieved for a time.

Eventually, Gupton appeared in court and when it was ascertained that he could not get a fair trial in a city that had already tried to lynch him, his defense was granted a change of venue to Johnson County. Gupton did have family in Massac County but they could not help him in Alexander County, so it was fortunate for him that his case was sent to Johnson.

The Gupton murder trial had a false start at Vienna in May of 1875. The prosecution was ready to go and all their witnesses were present. The defense, not ready for trial, got a continuance; the trial was postponed until August. The news of August 30th, reported that a jury had not yet been obtained. The first of September saw the trial begin and by the second day, it was fully underway.

The news of the trial is best told by a reporter of an unidentified Vienna newspaper. The full report is as follows:

Vienna, Ill., September 2 – When Gupton was put on the stand, yesterday, he testified that he went into Eschbach's shop to get a shave. When he went in, Eschbach was in the rear of the shop wiping his hands with a towel. Gupton went to one of the chairs, when Eschbach turned to him and said: "What do you want?" Gupton told him he wanted to be shaved. Eschbach said: "Goi out of here," and came towards him. Gupton did not move, and Eschbach took hold of him and commenced to push him, and in pushing him, Gupton fell, when Eschbach kicked him two or three times in the side. Eschbach then left him and went towards the rear of the shop as Gupton says he thought, to get some kind of a weapon. Gupton got up and started for the door, and just as he reached the door Eschbach caught up with him. As Gupton opened the door Eschbach kicked and at the same time pushed him out on the sidewalk with such force as to throw him (Gupton) to the sidewalk. When he got up he saw Eschbach standing in the door and he (Eschbach) made a motion as if to come at him. It was then that he drew his revolver and fired three shots, with what result is well known to the readers of the *Bulletin*.

The above is substantially Gupton's evidence, though not exactly his language.

One thing is certain: the witnesses for the prosecution did not "pan out" as strong a case against the prisoner as everyone believed they would. Public opinion has undergone a wonderful change within the last

day or two, and Gupton is beginning to be regarded as not so bad a man after all.

The end result of the trial came with the verdict: "We the jury find the defendant guilty of manslaughter and we fix his punishment at imprisonment in the penitentiary for the term of four years."

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## 1875 – ATTEMPTED MURDER AT FORMAN

### James F. "Pete" Davis stabbed Virgil Brock

Forman, Illinois was established by the timber/sawmill industry that grew up along the Cache River in the south part of Johnson County. The Forman family from Kentucky came to Johnson County before 1820 and purchased large tracts of land in the same area. It is presumed that Forman got its name from this family. The town was originally on the Cache River where it crosses the modern day road that runs from Belknap to Route 45. The town was later moved to the intersection of two railroads just east of its original location.

Old Forman, as it is known today, had several residents, mostly those who worked at the woodworking and saw mill. They enjoyed the benefit of stores and houses much as the small communities in Johnson County at that time.

The town, because of the nature of the industry, was known as one of the roughest towns in Johnson County. Colonel Samuel Hess and Franklin Chapman established one of the biggest woodworking industries in the area at that location. The *Cairo Daily Bulletin* newspaper had an article concerning Forman. The article, dated July 15, 1875, was printed as follows:

We went to Forman on Friday last, and took a look through Chapman & Hess's mammoth saw mill located at that place. This is beyond all doubt the finest piece of mill property in all Egypt – the mill house and machinery alone costing upwards of \$40,000. Messrs. Chapman & Hess are now turning out all kinds of material for wagons, plow beams, handles, axles, etc. and lumber of every description. They have one of the finest timber ranges in the Southwest, and every article shipped from their mill is first-class in every respect. Col. Sam Hess, one of the oldest and most highly esteemed citizens of this county, and Mr. Frank Chapman, of Carbondale, are the proprietors, and are giving the establishment their personal supervision. We found them both with their sleeves rolled up and working like good fellows. They deserve success, and if energy, tact and hard labor will bring it they will certainly have it.

The article was written as a result of an incident that happened there on July 3rd. The news from Forman about this incident spread quickly. The *Johnson County Yeoman*, a Vienna newspaper carried the story as noted:

On Saturday last, July 3rd, a serious cutting affray occurred at Forman in this county, between a man named Pete Davis, an employee at the stave factory of Crane & Bush, and Virgil Brock, engineer at Chapman & Hess' saw mill.

The origin of difficulty between Davis and Brock we are unable to give, further than that there was "a woman at the bottom of it." It seems that on Saturday morning Brock who has been drinking some went to Davis. He called Davis, who came to the door, but refused to go outside to talk to him. Before going away from the house some high words passed between the parties, when Brock went to an ice cream saloon near by, and in company with a friend, got some ice cream. Shortly after Brock entered the saloon when within a few feet of the house, took off his hat and threw it on a carpenter's work bench, and then go the door. As he entered the house he was heard to remark that 'he and Brock had had some trouble before, and by God they would settle it right now.' When Davis entered Brock was standing with his back to the door, and when he heard Davis speak, turned around and said, "Why, Pete, what is the matter.' Davis answered by cursing vehemently and applying to Brock some very insulting epithets, all the while approaching towards him, and declaring that he would kill Brock. In answer to this, Brock said 'No you won't," and reached out for a billiard cue. At this Davis whipped out an immense butcher knife and making a lunge at Brock, buried the blade as full length in his right side. Davis pulled the knife out, left the saloon and returned to his house, and as he entered, called his wife by name, said 'by God I have done it.' He then went into the water closet, but as he did not remain more than a few seconds, it is supposed he went there for the purpose of disposing of the knife.

Brock was then removed to his boarding house. Dr. Plumber was called, when it was ascertained that the knife entered the right side between the sixth and seventh ribs, inflicting what the physician pronounced a mortal wound. Dr. G.W. Elkins of Vienna, visited the wounded man on Sunday morning, and after a careful examination of the wound gave it as his opinion that to one chance of Brock's recover, there was ninety-nine against it.

Davis was arrested, and brought to Vienna, where he was lodged in jail. On Monday evening he was taken before Esq. F.A. Boyt for a preliminary hearing, and on motion of States Attorney Damron the case was postponed until next Monday. Davis was held under bonds of four thousand dollars for his appearance at that time.

Failing to give the required bail he was remanded to jail.

When court began, the public learned that Davis' real name was James F. Davis. A Grand Jury met in December and brought an indictment of Assault to Murder. The reason for delay in the indictment was that the court was waiting for Virgil Brock to die. Brock was tougher than expected and eventually was well enough to attend trial as a witness. During the trial, Davis claimed that the only reason he went to the Ice Cream Saloon was to return a borrowed pencil to the owner, declaring that he had entered without any malicious intent. Davis also claimed that Brock was a larger person than he was and feared for his life, so his action was to defend himself.

The *Cairo Daily Bulletin* of December 1875 brought the news of the trial as follows:

His trial came off at Vienna last week, the jury returning a verdict of 'not guilty.' The words 'not guilty' had scarcely escaped the clerk's lips



when Davis stepped outside the bar, said "Thank you gentlemen,;" to the jury, left the courthouse and has not since been seen or heard of. Davis had learned that the authorities of Shelby County, Indiana, wanted him, there to answer a charge of murder. He has probably left the country for parts unknown.

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## 1875 – MURDERED BY A BEER MUG

### J.C. Peterson killed Mr. Adams

The *Cairo Daily Bulletin* noted in its September 24, 1875 edition that a murder had occurred in Johnson County.

We learn that a man named Anderson was killed at Tunnel Hill on Sunday last, by a man named Peterson. The murder was committed in a saloon, the skull being crushed in by a beer glass.

The Johnson County Court Records reveal nothing about this incident. The case was tried in Harrisburg because of a change of venue. The only information available comes from newspaper accounts. Unless J.C. Peterson was accused of murdering two people at different times, the following account shows that the case was heard in Saline County in 1877. The *Cairo Daily Bulletin* for May 15, 1877 published the following:

The case of the People v. Peterson for murder has been taken to Saline County on a change of venue. O.A. Harker, Esq., for defendant, and Judges Allen and Duff for the people. The case will be tried on the 22d inst.

The same newspaper published the following on May 25, 1877:

The trial of J.C. Peterson, for the murder of a man named Adams at New Burnside, Johnson County, in 1875, came off at Harrisburg, Saline County, last week. The attorneys in the case were Judges Allen and Duff and State's Attorney Gregg for the People, and O.A. Harker of Vienna, and F.M. Youngblood of Benton, for the defense. The case occupied several days in its hearing. The evidence against Peterson was very strong, but notwithstanding all this and the knowledge ability of the attorneys for the People, Messrs. Harker and Youngblood, succeeded in getting him off with one year in the penitentiary.

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## 1876 – MYSTERIOUS MURDER

The following murder has no verifying information. The *Cairo Daily Bulletin* for December 4, 1876 published the following:

A man named Carter was killed by one Prouhet in Johnson County near the Union County line on last Wednesday evening. No particulars concerning the homicide have been received.

There is no information concerning this in following newspapers or Johnson County Court Records.

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## **1876 – ASSAULT TO MURDER**

### **James H. Arnett charged**

James Arnett, up to this time, was a relatively unknown person in the Johnson County Courts. In December 1876 he was charged with assault to murder. The person on the receiving end of this incident has not been determined. From later news, which will be included in this book, he would eventually be charged with three murders in Johnson County.

The significance of this case is that it completes the record concerning his criminal activity. The case must have either resulted in the other person dying or nearly dying, because he was later known as having murdered three people. Two later cases, which appear in this book, plus this case will add up to three.

James H. Arnett was brought to trial in May 1877 for this crime. The jury gave a verdict on May 10th of that year: "We the jury find the defendant not guilty." Mr. Arnett would prove to be one of the most difficult persons to convict in the Johnson County Court.

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## **1877 – ANOTHER INCIDENT AT FORMAN**

### **Francis M. Kennedy shot Hiram Frank Sheerer**

Another death occurred in the Southern Johnson County town of Forman on February 9, 1877. The death of Hiram Frank Sheerer came as a result of his being shot by Francis M. Kennedy (aka: Canady) a few days earlier on January 30, 1877. At the time of Sheerer's death, Kennedy had fled and could not be found.

Sheriff J.H. Carter of Johnson County was highly respected and performed his office in an above average manner. His investigation revealed that Sheerer had made some slanderous remarks about Kennedy's sister. Kennedy swore that he would make Sheerer retract his words. Arming himself, Kennedy went to Sheerer's house at Forman and called him out. A war of words and then blows followed. During their grappling, Kennedy drew his revolver and shot Sheerer; the shot beginning at the upper part of his left shoulder blade, continuing downward into his lung. Sheerer lingered for more than a week, dying in early February, as noted.

Sheriff Carter continued to pursue Kennedy for more than a year. An unknown source informed Carter that Kennedy had fled to Mt. Vernon, Indiana and could still be found there. In mid-January, the Sheriff went immediately to Mt. Vernon in that state and obtained an arrest of Kennedy. He started his journey back to Johnson County on the same day.

Arriving at Vienna, Kennedy was taken to Cairo where he would be jailed. Johnson County had a jail at that time but it was unfit to keep prisoners in so the county used the Alexander County jail to house its prisoners. Kennedy remained there until his trial in May when his case came up.

The May term Grand Jury indicted Kennedy for murder; his trial came immediately afterward. Kennedy claimed that he was not guilty. One witness, a Mr. Lancaster from Massac County, stated that Sheerer had declared

that he would kill Kennedy if they crossed paths. Sheerer had armed himself with a butcher knife and carried it with him in anticipation of meeting Kennedy. Two other witnesses, Daniel Smith and Anderson Blackwell confirmed the statements that Lancaster had made.

At the close of evidence, the jury retired to consider the question of guilt. When they made their decision, it was announced that the prisoner, Kennedy, was not guilty of the murder of H.F. Sheerer.

Quite often in the records, Kennedy is referred to as Canady or Canadey. The court records use both names so it not possible to determine the correct spelling.

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## 1877 – A HISTORIC CASE FOR JOHNSON COUNTY

**Harrison Burklow shot David Wagner**



**ANDREW HARRISON BURKLOW**

The story of Harrison Burklow has held the interest of people who love history since that day in July 1877 when it began. Most murder cases are known by the name of the person who died. The case of the murder of Da-



vid Wagner is little known; but when Harrison Burklow's name is attached to it, most people immediately know the story.

The murder of David Wagner, also known as "Cud" or Daniel Wagoner or Wagner by Harrison Burklow is difficult to present because of the many facets it presents. The writers of this book have decided that the best presentation will be to allow the readers to discover the events as they happen by reading the local news as printed in the newspapers of the day.

Read carefully and be captivated by the daily news as it is presented. Some court documents and commentary will be interspersed throughout the story to help guide the readers.

The first news of anything serious happening over the 4th of July holiday appeared in *The Cairo Daily Bulletin* of July 6, 1877:

#### MURDER AT FORMAN

A Neighborhood Row Terminates in the Killing of Cud Wagoner by Harrison Burkelow.

A fatal affray occurred at the little town of Forman, on the line at the Cairo and Vincennes road in Johnson County, at an early hour yesterday morning. From what we have been able to learn of the affair it seems that Cud Wagoner and Harrison Burkelow were neighbors, and live but a short distance from the Cairo and Vincennes depot at Forman. Yesterday morning Mrs. Wagoner and Mrs. Burkelow got into a dispute about some trivial affair and kept up the squabble until their husbands were drawn into it, and the affair terminated by Burkelow taking a gun and shooting Wagoner, who died almost instantly. Burkelow was arrested, and a hearing was in progress yesterday afternoon but how it came out we were unable to learn. We will probably receive full particulars tonight.

There are no surviving newspapers printed in Johnson County from that week in July. The writers, in their research had to rely heavily on *The Cairo Daily Bulletin* for news as it happened. Fortunately, the newspaper at Cairo relied on the Vienna newspapers for much of their information. *The Cairo Daily Bulletin* published a story from a Vienna newspaper as its next article, therefore, there is some duplication of information. The July 8, 1877 edition of *The Cairo Daily Bulletin* published the following:

#### A COLD-BLOODED MURDER

The Murder of David Wagoner by Harrison Burklow

The *Johnson County Journal* gives the following account of the murder of David Wagoner by Harrison Burklow, at Forman on Thursday morning last.

Just on the eve of going to press we received information of a cold-blooded and deliberate murder which was perpetrated yesterday morning at Forman, seven miles south of this place, the particulars of which are as follows. There has been an unpleasantness existing between Harrison Burklow and David Wagoner for some time, on account of some trouble their wives have had. On the Fourth, while they were both stimulated very highly on bad whiskey, they renewed their difficulties, but the interference of friends prevented any serious results at that time. After this, Burklow and Wagoner went to their respective homes. Yesterday Wagoner went to his work as usual in Chapman & Hess' mill. Shortly after

he had gone to work, Burklow came into the mill, and without exchanging compliments, drew his pistol and shot Wagoner through the breast, from the effects of which he died immediately.

Burklow was arrested by L.M. Brown and others, brought to Vienna and put in jail. On Friday night Sheriff J.H. Carter of Johnson County, brought Burklow to Cairo and placed him in the Alexander County jail for safe keeping.

On the legal side, the murder was dealt with in the court system of that era. Each county had their own court system. Further, each township had their own court system under the jurisdiction of the county level circuit courts. These smaller courts had the Justice of the Peace as their court magistrate and had the Constable who served the court much as the Sheriff was the servant of the Circuit Court on the county level.

The first legal document issued in regard to the murder, with W.S. Davidson as the Justice of the Peace and J.E. McDermott as the Constable, is reprinted as follows:

State of Illinois, Johnson County

The people of the State of Illinois to all Sheriffs, Coroners and Constables of said state and to J.E. McDermott.

Whereas information has been made before W.S. Davidson a Justice of the Peace in and for said county by J.E. McDermott who on his oath states that A.H. Burklow did on the fifth day of July 1877 shoot and kill David Wagner with a pistol this in the village of Forman and county and state above written.

We therefore command you that you forthwith take the said A.H. Burklow and bring him before the said Justice of the Peace or in his absence before some other Justice of the Peace of the said county there to be dealt with according to law there to be dealt with according to law.

Given under the hands of the said W.S. Davidson at Forman in the county and state aforesaid this fifth day of July 1877

W.S. Davidson J.P.

As always, the news of a murder spread rapidly all over the country with some local area newspapers picking up the news. *The Edwardsville Intelligencer* of Edwardsville, Illinois, published the following in its July 11, 1877 news:

At Forman, Johnson County, on the 5th, Cud Wagner was shot and killed by a man named Burkelow. The wives of the parties had quarreled about some hogs and chickens, and the men took up the quarrel, with the result above stated.

The news of the event went silent after the middle of July with no reference in any surviving Johnson County newspaper; only mentioning it in the August 10, 1877 edition of the *Johnson County Journal*, mentioning it in regard to another story. The excerpt follows:

Only a few weeks ago we gave an account of a tragical murder committed at Forman, Illinois.

The case of *The People vs Harrison Burklow* was brought before a Grand Jury on December 6, 1877. The nature of Grand Juries being as they are, it is not surprising that they indicted Burklow for Murder.

The trial followed immediately after the indictment. It is fortunate that the case was presented before the Supreme Court at a later date, supplying a transcript of the court proceedings. Transcripts very rarely are included in the court record but because of its presentation to the Supreme Court, we have that record. Too lengthy, even though the trial was short, the transcript cannot be presented here. What follows is the testimony of one of those witnesses.

The People of the State of Illinois

Vs

Harrison Burklow

A jury being empaneled and sworn, the prosecution to maintain the issue on their part, introduced the following evidence to wit.

J.C. Murphy – My name is J.C. Murphy, was living at Foreman on the 5th of July last, and live there.

I knew David Wagoner, he lived at Foreman.

I know Harrison Burklow.

I was in the Saw Mill of Chapman & Hess on the 5th of July. I saw the defendant that day in the mill. I first saw him a few minutes after we went to work – shortly after 6 o'clock; he was in the south part of the mill. I saw Wagoner in the mill and on the platform; he was carrying timber in the mill to a little saw; he and defendant were laborers in the same mill; Wagoner was on the platform out a few steps from the covered part of the mill when I saw defendant. I didn't see them do anything together. Wagoner was working. Burklow was not that day. I saw Burklow walk through the mill and step out on the platform and saw him shoot Wagoner. I was about 12 or 14 feet from him when he shot Wagoner. Wagoner was standing erect when shot. I saw Burklow come up to Wagoner at the edge of the platform; Wagoner moved off toward the other side of the platform and stopped, and said, "don't shoot." Can't say what Burklow said. Wagoner was standing holding his hands up, I think, when he said, "don't shoot," he retreated 6 or 8 feet – Burklow fired his pistol. I saw the pistol in his hands after he shot; it was a cap and ball pistol; the pistol shot more than once. Burklow went back into the mill after he shot him. Wagoner jumped off the platform on some waste wood, and ran down to the ground and fell, at the edge of the wood. I went down to him; he was lying down with his face in the saw dust. I saw blood but didn't see any wound. I remained only a few moments. He didn't say anything, he was, I suppose, dead, as he didn't move. I raised his head up; We carried him up in the mill as far as I know, he was dead. It was in Johnson County Illinois, and on the 5th day of July 1877. I didn't hear Burklow say anything after the shooting. I heard the report of the pistol and saw the smoke. I saw blood coming from some where about Wagoners breast.

#### Cross-examination

I was sawing spokes. I was about 8 or 10 feet from where Wagoner stood when Burklow came into the mill. The saws and machinery were



running at the time; the machinery when running makes a good deal of noise. I was in the extreme southwest part of the mill; the creek runs on the southeast side of the mill. I was in the southwest corner of the mill. I was nearly opposite from where they draw the logs up. Wagoner was nearly west from me, towards railroad, about 10 or 12 feet. Wagoner was picking up blocks from the platform and carrying them into the mill. They were hickory blocks from 12 to 14 inches long. The blocks were being taken into the mill to be sawed up, the blocks were about 4 inches thick; the piles of blocks were from 10 to 12 feet from me. I was sawing this timber into cultivator spokes. I didn't hear Burklow say anything; he said nothing to me, I think he said something to Wagoner. I stopped sawing when Burklow walked into the mill with the pistol in his hand. I know it was a cap and ball pistol. I didn't look at pistol to see what kind it was. Burklow came into the mill from the northeast; he came diagonally across the mill to where I was standing; he was about half way through the mill when I saw him; he was nearer to me than he was to the centre of the mill when I saw him; he had a pistol in his hand, but can't say what hand he had it in; it was a tolerably large pistol. Burklow passed within three feet of me, he said nothing to me. Wagoner was picking up blocks 10 or 12 feet from me, on the platform. Burklow passed one third the distance from me to Wagoner, when Wagoner started to move. Wagoner stood erect and had an arm full of blocks, he dropped them and went toward the other side of the platform to the edge farthest from me out towards the railroad, he walked sideways and backwards, I think he kept his eyes on Burklow. I think Burklow said something I did not hear Wagoner say anything. Wagoner had nothing in his hand, I could have seen it if he had. I was looking towards them at the time. I had stopped work. Burklow was between me and Wagoner. Wagoner was a medium sized man, he was tolerably heavy built. Burklow had the pistol presented when Wagoner stopped, had the pistol presented as he approached Wagoner. I think Wagoner said, "don't shoot." I think Wagoner spoke louder than Burklow. Wagoner was facing me and Burklow had his back to me. After the shooting Wagoner ran to the end of the platform and jumped off. I said nothing to Burklow, nor he to me, as he walked back.

More testimony followed in the same manner but is not presented here. At the end of the trial, the jury retired to settle on a verdict. That jury was made up of the following men: B.F. Cox, J.C. Burton, R.M. Hight, W.W. Gold, John R. Kelley Sr, Calvin Johnson, B.F. Hubbard, Richard Elkins, I.N. Kelley, J.R. Kelly, Jr., F.A. Rentfro, David Leverett.

The case was given to the jury at about 6 o'clock in the evening. Whether it was because it was beginning to be late in the night or whether they only needed three hours to deliberate will never be known, but at 9:00 P.M., they returned to court to bring their verdict.

The verdict read as follows: "We the jury find the defendant guilty in manner and form as charged in the indictment of the crime of murder and fix his punishment to be death."

The newspapers immediately began publishing their accounts of the trial and their rehashing of the events surrounding the case. *The Cairo Daily Bulletin* of December 12, 1877 published the following:

#### TO BE HANGED

The Murderer Harrison Burkelow Found Guilty and Sentenced to be Hanged

Several days ago we mentioned the fact that the sheriff of Johnson County, Mr. James H. Carter, had come to the city for the purpose of taking the murderer Harrison Burkelow, who was confined in the county jail here, for safekeeping, back to Vienna for trial. Sheriff Carter with his prisoner arrived in Vienna on Wednesday morning last, and on Thursday morning Burkelow was placed on trial. The trial occupied the time of the court from Thursday morning till Monday afternoon, when the case was given to the jury. The jury were out some four or five hours, when at 9 o'clock Monday night they returned a verdict of guilty, fixing the penalty at death. We are unable to give full particulars of the crime for which Burkelow was convicted, further than that it was for the murder of a man named Davis at Chapman & Hess mill at Forman sometime in June or July last. The murder is said to have been cold blooded and without the least cause or provocation. Judge Dougherty presided at the trial of Burkelow.

Since writing the above we learn more about the case. The prosecution was conducted by O.A. Harker, Esq., and State's Attorney R.M. Fisher, and the defense by Capt. John R. Thomas of Metropolis, and A.G. Dameron of Vienna. A motion for a new trial is now pending and will be argued today. This is the first case in the history of Johnson County where the verdict has been death. The court is now engaged in selecting a jury in the case of the People vs. James Arnet for murder, and the trial will probably take up the balance of the week. S.P. Wheeler, Esq., of this city, is one of the attorneys for the defense.

The *Johnson County Journal* being a weekly newspaper, did not publish the following until December 14, 1877:

#### SENTENCED TO DEATH

On last Friday the case of the People vs. Harrison Burklow, for the killing of David Wagoner at Forman the 5th of last July, was called and a jury empaneled. R.M. Fisher and O.A. Harker appeared for the people. The defendant (Burklow) being unable to employ counsel, the court appointed J.R. Thomas, of Metropolis, and A.G. Damron, of the local bar, to defend him. The prosecution closed their evidence Saturday evening and the defense shortly after noon Monday. Mr. Fisher first addressed the jury, and was followed in turn by Damron and Thomas, who made able efforts to arouse the sympathy of the jury in the behalf of their client. Harker closed the argument with the ablest effort of his legal career. After which the jury received the instructions of the court and retired to agree on a verdict. The court took recess for supper. At about half-past nine o'clock Monday night the jury returned a verdict of guilty and the penalty of death. The result of the verdict produced profound solemnity all over the court-house. The unfortunate prisoner was deeply affected, but said nothing.

J.R. Thomas, his attorney, entered a motion for a new hearing.

After the court adjourned, the prisoner was hand-cuffed and conveyed to the jail under heavy guard. If the motion for a new hearing is overruled, the judge will fix the time for the execution. The time cannot be less than fifteen days nor over twenty-five, unless a good cause be shown to continue the time for execution. The execution cannot be public under the laws of this State.

*The Cuiro Daily Bulletin* followed a few days later with an article from another Vienna newspaper published the following on December 18, 1877:

#### THE DEATH PENALTY

The Burklow-Wagoner Homicide

Burklow Sentenced to Be Hanged

The Trial, the Prisoner, Etc.

From the *Johnson County Yeoman*, 15th

The case of the People of the State of Illinois vs. Harrison Burklow, indicted at the present sitting of the grand jury, came up for trial Friday the 7th inst., and out of about 250 men summoned, a jury was obtained. R.M. Fisher, prosecuting attorney, and O.A. Harker, of Vienna, who was employed by the citizens of Forman, conducted the prosecution, and attorneys J.R. Thomas of Metropolis, and A.G. Damron, of Vienna, conducted the defense, they having been appointed by the court, defendant not being able to employ council. The evidence in behalf of the People went to the jury by Saturday night, and the court then adjourned until Monday, and on that day the evidence in behalf of the defendant was given to the jury. The attorney then presented arguments and at 6 o'clock p.m. the jury retired with the instructions of the court. Judge Dougherty did not adjourn the court and told the jury that when they had made a verdict to send for him, and he would receive the same. In about three hours from the time the case was given into the hands of the jury the judge was notified that they had agreed upon a verdict.

Although most of the citizens had retired to their peaceful couches of repose, the news that a verdict had been reached caused quite a stir, everybody seeming to be eager to know the fate of the criminal, and in a comparatively short time a large crowd had gathered at the court house. The judge took his seat and the crowd anxiously awaited the appearance of the prisoner. The prisoner was conducted into the room by the sheriff and deputy sheriff and seated inside the bar. It was evident that his mind was undergoing a terrible ordeal, and when the clerk read the verdict, "We, the jury, find the defendant, guilty, and assess the penalty death," Burklow seemed to give down, but did not give vent to his feelings, though it was evident that the emotions of his bosom were suppressed only by his iron will or determined resolution. He, for the first time since the trial began, except when his attorney was pleading, bowed his head when the verdict was read, and when the sheriff proceeded to put hand-cuffs on his wrists (the first time during court) to take him back to jail, Burklow said: 'Don't keep them on me, Jim; let me rest while I can rest.'

Burklow's council, Thomas & Damron, made a strong effort in his behalf and the speech of each was good, but their faith in the cause was weak. In the course of Damron's speech, he admitted the guilt of the defendant, but endeavored to show to the jury that he was only guilty of



manslaughter. Burklow seemed to think his attorney ought not to have made such an admission and at once gave way to tears.

O.A. Harker closed the case in behalf of the People in a very able and telling speech – the ablest effort by him we have ever listened to. All whom we have heard speak of Harker's speech pronounced it to be a fine effort. He first took up the evidence and disposed of it in a very systematic manner; then he took up the law, rulings, and decisions, and in closing he appealed to the jury to consider the claims that all good citizens had upon them to do justice; that while it was natural for their feelings to be in sympathy, for a man who was on trial for his life, still the security of our lives and property and society depended on summary and just punishment of our criminals.

The facts in this case elicited upon trial are about these: On the fourth of July last, a number of the Forman citizens went to Cairo, and among them were Burklow and David Wagoner (the murdered man) who were under the influence of whiskey when they returned; that Wagoner went to his home, and that Burklow went to the house of Wagoner and called him out and began a quarrel; then Burklow went into his own house, which was a short way off and then started out again with pistol in hand, but that his wife prevented his coming out. All the evidence in regard to what occurred on the evening of the 4th tended to show that Burklow was anxious to have trouble with Wagoner while he (Wagoner) was disposed to avoid trouble.

On the next morning, the 5th, Wagoner went to work as usual at Chapman & Hess' sawmill. Burklow got up that morning, it seems, bent on taking the life of his victim. Armed with a revolver, he went to the mill barefoot, and as he passed along he made inquiry as to where he could find Wagoner. Burklow was near when Wagoner first saw him. Wagoner had an armful of timbers to take to his saw to cut them up, and as he at this moment took in the situation, he dropped the timbers, stepped back a step or two, at the same time throwing up his hands, cried out, 'Don't Burklow, don't!' At this moment Burklow fired the fatal shot, which stopped the lifeblood of poor Wagoner. At the crack of the pistol Wagoner jumped or fell off the platform, raised his head, then dropped it – a dead man. Burklow, as soon as he fired the fatal shot, retraced his steps, and as he passed out of the mill, in substance said: 'I've fixed him; damn him, he won't bother me any more. I did it, and there is what I did it with' (holding up his pistol).

Burklow prayed fervently the night after the verdict was read to him. Tuesday night the sheriff had the shackles put on his legs so as to prevent the possibility of escape, knowing the frail condition of our jail, though he says he regretted to do so as much as to have to tie the hangman's knot.

At the present writing the judge has not passed sentence upon the prisoner, and may not do so until toward the adjournment of court. Burklow will have to be kept here in jail until the day of his execution. The verdict is the first of the kind ever returned in this county. We learn that three of the jurors were not at first in favor of the death sentence. Burklow is about 40 years of age, of heavy build, weight about 180 pounds, physically his appearance is that of a perfectly developed man.

He has been married the second time, but his wife has not been present at the trial, she being at the home of her people. It is said Burklow, while in the army, was sentenced to be shot, but was saved by the intercession of Gen. John A. Logan. Wagoner, the murdered man, was also married, but we are not able to say anything further of him, having never seen him.

We hope this case will be a warning to those who thirst for the blood of their fellow man – that a new era will be inaugurated so that our county may again be pointed to as a model county for its peace and quietude, as in former years. We ask our readers what is the cause of all or nearly all the great crimes known to our country? You will doubtless bear me out when we say, WHISKEY, WHISKEY.

The *Johnson County Journal* edition of December 21, 1877 published a letter from Harrison Burklow.

Harrison Burklow, now Under Death Sentence, Explains

Editor Journal: I wish, through your columns, to make a few remarks in regard to a certain censure which appeared in the last week's Yeoman. It states that I was court martialed and sentenced to be shot, and that John A. Logan had me released. Now, in reply, I would say that I lived in Pularski county from 1849 to 1861; was an officer of the law four years of that time, and in August 1861, I enlisted in Co. F, 31st Illinois Volunteers, and served until September 1864, when I was discharged with an honorable discharge, which I have this day. Now, for proof of this, I ask the people or any individual to appeal to John A. Logan and see whether or not he ever knew of me being court martialed for any crime. He was Colonel of the regiment until he was promoted. I will refer you to A.J. Kuykendall, who was Major of the same regiment.

Harrison Burklow

More news published December 23, 1877 from *The Cairo Daily Bulletin*:

#### HIS DOOM SEALED

Harrison Burklow, the Murderer, To Be Hanged on Jan. 15th

Judge John Dougherty was in the city yesterday, on his way home from Vienna, where he had been holding circuit court. From Judge Dougherty we learned that the motion for a new trial in the case of Harrison Burklow, convicted of the murder of Carl Wagoner, at Forman, in July last, was overruled and the death sentence pronounced upon the prisoner. The execution will take place on the 15th of January. When Judge Dougherty gave his decision overruling the motion for a new trial, and was about to pronounce the death sentence, Burklow broke completely down, and gave way to his feelings, and it was with difficulty, after the sentence, that he was removed to his cell in the county jail. The particulars of the murder have already appeared in the columns of the Bulletin.

Interest in the case was statewide by the end of 1877. This news was most likely carried in the Jonesboro, IL. newspaper and then published by the *Chicago Daily Tribune* of December 25, 1877:

## SENTENCED TO BE HUNG

Special Correspondence of The Tribune

Jonesboro, Ill., Dec. 23 – Harrison Burklow was sentenced, by Judge Dougherty, to be hung on Tuesday, the 15th day of January, at Vienna, Johnson County. On the 18th inst. Burklow shot a man named David Wagoner, in cold blood; and the verdict of the jury is considered a righteous one. Aikin was also found guilty of murder, in Shawneetown, last week; and the jury fixed the penalty at death by hanging. This is all right. Southern Illinois now proposes to hang murderers; and, if other portions of the State would do likewise, there would be a rapid decrease in crime, and more security for the lives and property of our citizens. Would it not be a good idea for Chicago to hang a few of her murderers, just for a change?

The upcoming hanging of Harrison Burklow caused people to consider the penalty they were about to impose on Harrison Burklow. They were going to hang him – execute him in their own county by their own hands. The *Johnson County Journal* of December 28, 1877 carried the following story:

### CAPITAL PUNISHMENT

Burklow's death sentence should be commuted to imprisonment. There is a petition now being circulated, and already signed by Judge Dougherty, the county officers, and a number of worthy citizens, petitioning the Governor to commute the death sentence, passed on Harrison Burklow, to that of imprisonment for life. As religion and knowledge are diffused in civilized countries, the lives of human beings are now more appreciated, and the former practices of barbarous nations (as hanging) are recorded as relics of the past.

The objects of the law are to protect society and reform the transgressor. The practice of capital punishment is not in teaching with Christianity, with science, with the laws of nature, and is an outrage, disgraceful, and inhuman. While the statute of our State legalizes the inflicting of the death penalty, it is the grossest violation of the laws of God and nature. Men are all more or less victims of their own passions, and, as a matter of fact, fallible. Therefore, they are not competent to sit as a death tribunal. It is true, those who favor the infliction of the death penalty are not legally criminals, but morally they are.

This law of capital punishment ought to be eradicated from our statute books. Only a few years ago we found but few men who had any conscientious scruples about fixing the death penalty; but now they are numerous. At the same increase, it will not be far in the future when men can be found to sit on these cases. Then the law will have to be necessarily repealed, or it will defeat justice.

The same newspaper, *The Johnson County Journal*, published a short one sentence statement and then another story, which follows, on the same date as the above:

Between one thousand and fifteen hundred have signed the petition to commute Burklow's death sentence to that of imprisonment for life.



### Burklow Sentenced to be Hanged on the 15th of January

Harrison Burklow was brought before his honor, Judge Dougherty, last Friday morning, and the motion for the rehearing was ably argued, but the court overruled the motion. Then J.R. Thomas entered a motion for an arrest of judgement, which was also discussed at length, but overruled by the court. The attorneys for the defense asked leave to file a bill of exceptions, which was granted. After which, the Judge proceeded to sentence the prisoner. But before announcing the sentence, he made some very appropriate and feeling remarks as to the solemnity which was then to follow. He then read the sentence: That the prisoner, who had been found guilty of murder, and to suffer the penalty of death, by twelve jurors of his county, should be hung on the 15th of January, between the hours of 11 and 1 o'clock, within an enclosure of the county jail yard, until he was dead, dead, dead! In repeating the last word, the court gave way to his humane feelings, and bursted into tears, and then added: May God help him! As this is the first death sentence that ever was past in this county, it is to be hoped it will be the last.

While the *Johnson County Journal* was publishing their editorial opinion and opposition to Capital Punishment, the *Vienna Yeoman* was publishing the following. It was carried by the January 6, 1878 edition of *The Cairo Daily Bulletin*:

The *Vienna Yeoman*: J.R. Thomas, of Metropolis, spent Thursday in Vienna, preparing the records in the Burklow case, and left on the down train to place the matter before the Supreme Court, which is now in session. His first effort will be to get the Supreme Court to grant Burklow a new trial, but upon what grounds we are unable to say. One of the grounds upon which he asked Judge Dougherty to grant a new trial was that two jurors who sat upon the jury that tried Burklow were not tendered by the council of the defendant. The efforts that Burklow's counsel are making to save his life are commendable.

*The Cairo Daily Bulletin* of January 6, 1878 published their own story of an interview with J.R. Thomas:

### FOR BURKLOW

Capt. J.R. Thomas, of Metropolis, one of the attorneys for Harrison Burklow, who is under sentence to be hanged at Vienna on the 15th — one week from next Tuesday, passed through the city on Friday on his way to Springfield, where he goes to lay the case before the supreme court in the hope of obtaining a new trial for his client. If he fails to obtain a new trial for Burklow he will present to the governor a petition praying the commutation of the sentence from death to imprisonment for life. We understand that a remonstrance against the interposition of executive clemency in Burklow's case has received the signatures of many of the leading citizens of Johnson County — and will be presented to the governor. Johnson County has had eight murders within one year, and the people up that way believe that it is necessary to hang somebody as a warning to say murderers cannot always escape.

On January 7, 1878, Harrison Burklow wrote a letter to the *Johnson County Journal*. Whether he had found that his letters could help turn the

public in his favor or whether he was just using the newspaper as a means of communication, is not known, but they did stimulate the public into remaining interested in his case. The January 11, 1878 publication of the *Journal* carried the letter from Burklow:

From Burklow – Vienna, Ills., Jan 7, 1878

To the Citizens of Forman: I wish to make a statement to you all, that you make yourselves assured that if you have heard anything that I have said against any of you, only that there could be proof sufficient to have saved my life, but that you were all so prejudiced toward me that I did not get a fair trial; and I will say that I have not ought against any of you, for if I did not get Justice, God will settle that. I have heard that Jackson understood that I threatened to kill him if ever I got out. Now, if ever I said it I don't know any thing about it, and I hope he don't believe it; and I have no malice, although they have sought my life. But after I am dead, and you search your hearts, you can not say that I have ever sought either one of your lives, or tried to damage you, for I was not a man to do a man harm for no cause, and I forgive you all, and I hope you will get forgiven by God also. If there is any thing to be forgiven, he can judge all justly.

And as I will soon be no more on this earth, I hope my old acquaintances will show all that is charitable to my poor unfortunate wife and babe; but I hope that God will also send a helping hand to soften the hearts, and make them feel for the unfortunate, for I trust in that ever-living God for all that is lovely. Them that seeketh shall find; them that don't must be lost.

I am truly thankful for the kindness which has been shown me by the citizens of Vienna, and especially Mr. Henry, in being so very kind to me. I am also thankful for the sympathy the *Journal* showed toward me in my weary hours, and I am thankful to God more than all for the mercy he has given me. He is the only one to look to for mercy, and I trust in him and him alone for the salvation of eternal happiness. O! to God I had studied this matter long years ago, and seen the follies of this terrible world, for it is nothing but a world of grief. No man is happy without he studies God's word, for I have tried it for forty-five years, and no difference how much money he has, he is not happy; for let him get sick and he must call on his God for mercy. And how can he expect to get mercy unless he deserves it? What is all the world if my soul is lost? What is it to live in this world in sin?

Now, I will say to all who knew me, knew me to be a terrible wicked man, and O to God that I could have studied it, and forsaken that wicked spirit away from me.

O! how happy I would be, on the day of my execution, to tell my friends that I am going home to rest.

I still say that if I had gotten everything proven as they allowed, I would have only been sent to prison, but such was not the case, and my life must pay the penalty. May God have mercy on me, is all I can say. I hope such an accident won't happen to Johnson County again. But in conclusion I will say, all that ever knew me personally, knows I was not a man to harm any one without cause. Therefore, all remember the poor unfortunate sinner, is my prayer.

## Harrison Burklow

The *Chicago Daily Tribune* edition of January 10, 1878 brought the following news concerning Burklow and the Supreme Court:

### CRIME

#### An Important Decision

#### Special Dispatch to The Chicago Tribune

Springfield, Ill., Jan 10 – The Supreme Court, at the conference-room, this afternoon, the full Bench sitting, granted a supersedeas in the Harrison Burklow, Johnson County, murder case. Burklow killed David Waggoner last July in Forman, Johnson County, was tried last December before Judge Dougherty, convicted, and sentenced to be hanged Jan. 15. Col. J.R. Thomas, of Metropolis, Massac County, who was assigned by the Court to defend the prisoner, interested himself to secure a commutation of the sentence from the Governor, and, not meeting much encouragement, took the case before the Supreme Court on a writ of error, and a motion for supersedeas. His principal point in support of the motion was that the new Circuit Court bill is unconstitutional, and Judge Dougherty is one of the additional Judges. Other errors were assigned, but it is regarded as significant, and possibly foreshadowing an adverse decision on the Circuit bill, that the full Bench grants a supersedeas on this point. A great deal of interest has attached to the case. The supersedeas directs that the record be certified for error to the Southern Grand Division at Mt. Vernon next June, so it is tantamount to a year's respite for the prisoner.

The January 13, 1878 edition of *The Cairo Daily Bulletin* brought a more enlightening story concerning the action of the Supreme Court:

### A SUPERSEDEAS

#### Harrison Burklow, of Johnson County State Register

The Supreme Court, yesterday afternoon, granted the petition for a *supersedeas* in the case of Harrison Burklow vs. the People. The case has heretofore been alluded to in the columns of the *Register*, and the history is briefly this: On the 5th of July 1877, at Foreman, Johnson County, Harrison Burklow, while engaged in an altercation with David Wagner, killed the latter. He was immediately arrested and committed, after a preliminary examination. On the 4th of December, he was indicted, and on the 10th of the same month put upon his trial, found guilty of murder in the first degree, and on the 21st of the same month was sentenced to be hanged on Tuesday, January 15th. The attorneys for the prisoner, immediately after the sentence was found, applied to the governor for a reprieve of a commutation of the sentence, but the latter not feeling disposed to interfere, application was made to the Supreme Court for a *supersedeas*, on a writ of error.

There were ten errors assigned by the defendant, the principal one being:

That the prisoner had not been furnished with a list of the grand jury who found the indictment.

That the defense was compelled to pass upon the qualification of two jurors at a time.



That the records of the court did not show that any talisman were authorized to be summoned when the regular panel was exhausted, and that they were not summoned in the manner prescribed by law.

That the prisoner was sentenced without having given an opportunity to be heard in his own defense.

That the prisoner was tried, convicted and sentenced in a court not recognized by the constitution of this state being one created by an act of the legislature at its last session, known as the judicial court bill.

[The other errors assigned were the usual ones as to improper instruction, exclusion of evidence, &c.]

Maj. J.R. Thomas, of Vienna, who was assigned by the court to defend Burklow, in his able argument before the Supreme Court dwelt at length upon the question of the constitutionality of the judicial circuit bill, relying mainly upon that to gain the case, and members of the bar concur in his opinion this point that the bench were unanimous in granting the *supersedeas*.

Summons was issued returnable to the southern grand division at the next term.

The battle of those in favor of capital punishment and those against continued in the press. An example was published in the January 24, 1878 edition of the *Johnson County Journal*:

#### He Wants to See a Corpse

The editor of the Benton Standard would lead us to believe that if Burklow was imprisoned and afterward pardoned, we ought to be the next man he would wing. Why he desires Burklow to spot us, we can't say. We have done nothing only give our honest convictions on the abolishment of capital punishment, which we will continue to advocate as long as we have the interest of the human family at heart. We do not rejoice at human misery, nor do we wish misfortune on men because of opinion sake. We presume the Standard man is hungering for the sight of human blood and the destruction of a human life. We sincerely hope, ere long, the scales of heathenism shall drop from his eyes and he will come over on the side of humanity and be a herald in the great cause of reformation.

When his trial was over, Burklow was taken to Cairo and jailed there. He remained there from December 1877 until he was eventually taken to Vienna in July of 1878. The only news that regarded him after he was granted a *supersedeas* was the newspaper discussions pro and con for capital punishment. It seems that no one was really interested in Harrison Burklow the man.

The stay of execution for Burklow allowed time for the newspapers to learn more about the condemned man. Because he was being held in the Alexander County jail at Cairo, it was easy for the reporters at *The Cairo Daily Bulletin* to gain access to him. Their June 14, 1878 edition published the following:

#### DOOMED MAN

A.H. Burklow to Hang on Friday, July 5th.  
An Interview with the Prisoner

## His Version of the Killing of Daniel Wagoner Points of his Personal History

Upon the receipt of the St. Louis papers containing the news of the action of the Supreme Court in the case of Burklow vs. the People, a *Bulletin* reporter, in company with Sheriff Saup and another gentleman, called on the doomed man, now imprisoned in the county jail. The prison keys having been handed over to the sheriff, he led the way to Burklow's cell, and invited the prisoner into the corridor of the jail. Instructions followed, and the reporter opened the interview by asking Burklow if he had heard of the action of the Supreme Court in his case. He replied that he had not. The first of the following special telegram to the *St. Louis Globe Democrat* was then read to him.

Mount Vernon, June 12 – Burklow vs. the People, ect., error to Johnson. The court filed the following opinion: This writ of error being before us the record of the conviction of the plaintiff in error, for the crime of murder. No abstracts or briefs have been filed, and no argument has been made in support of the error assigned. We have, notwithstanding these omissions, examined carefully the entire record, and we fail to discover therein any error. The judgement of the court below is affirmed, and the sentence of death will be executed in conformity with that judgement on Friday, the 5th day of July next. Affirmed. From the records it appears that on July 5, 1877, Harrison Burklow killed one Daniel Wagoner, at Forman, Johnson County. It seems that Burklow and deceased were working at the same mill, of Chapman & Hess, that a few moments before the killing Burklow came into the mill and told the foreman that he and deceased had quarreled the night before, and damn him, he would settle it now. The foreman advised him to be careful and not raise any disturbance. Deceased was at work. Burklow went up to him and without a word, so far as the record shows, shot him down, the ball entering just above the left nipple. Deceased walked a few steps and fell down dead. Burklow came out and stated that damn him he had fixed him and he (the deceased) would bother him no more. Exhibiting a revolver, he said, "Damn him; I done it with that." The record shows one of the most cold-blooded murders that has ever found its way into the courts. The case has been warmly contested from the beginning, the Hon. J.R. Thomas defending. It was tried by Hon. John Dougherty, judge of that circuit. He was one of the newly elected judges under the Appellate Court bill, passed at the last session of the legislature, and the constitutionality of that act was raised, but the ability and energy of his counsel could not prevail to rescue the defendant from the just sentence of the law, which will be carried into effect just one year from the time of the commission of the murder.

During its reading he was visibly affected. His deep breathing could have been distinctly heard twenty feet away, but his already bleached features gave no indication of the struggle going on within him. When asked if he had anything to say, he replied that he had not a great deal. He was without friends and almost without hope. He did not think he had had a fair trial. The only person whose testimony would have intended to justify him in taking Wagoner's life was his wife, and she was, by the operation of the law, debarred from being heard in court. His ver-

sion of the affair had never been given to the public, and at the reporter's suggestion he made the following statement. We may add, however, that at the conclusion of his statement, upon being questioned by one of the gentlemen present, he said the cause of ill feeling between Wagoner and himself was a quarrel which their wives had had about trifling things – chickens, he thought. The quarrel between the women finally involved the men. He said:

"The first of the quarrel between Wagoner and myself began on Sunday night, July 1st, 1877; I had been downtown at the drug store, and when I came home, he (Wagoner) was standing opposite my door, abusing my wife, calling her several ugly names. Just as she made the remark that she would tell me if he did not go away and behave himself, I came up. 'That is just what I want you to do,' said Wagoner. 'I want to get a chance to cut your throat, anyhow,' he was drinking. I passed into the house about three feet from him, told my wife to say nothing more to him, and if he had anything to say to let him say it when he was sober. Wagoner then walked off, going to his house, about ten feet away. On the following Monday night he came to the drugstore where I was, and began abusing me, when I walked away. I mentioned to several men that I wanted no difficulty with him, and would leave, and did leave. Nothing more happened until the evening of the 4th when he returned to Foreman from Cairo, where he had been on an excursion. He was under the influence of liquor, and was cursing and damning somebody, but mentioned no names at that time. That was at the depot at Foreman. He went on home then; I also went home shortly afterward. He came out in the street in front of my door, and commenced cursing me and daring me outside; he called me a thief, a \_\_\_\_ of a \_\_\_\_, and applied other epithets to me; he dared me outside the door, and I told him if nothing else would do him, I would come out and fight him a fair fight; I started to get over my fence, and he approached a woodpile outside of the fence, immediately in front of where I was getting over, and grabbed a stick of hickory about two and a half inches square and thirty inches long. My wife has the billet; I jumped back on the inside, went into the house, and got a pistol, started out of doors my wife called to me and he went away, saying he would get a pistol too. I went back to the house and put my pistol away. This occurred about half past five o'clock; about six o'clock he came back and said he would catch me going to work (I had to pass by his door though a narrow alley about two feet wide) or catch me at work in the mill; that I should never work there any more; then he kept walking backward and forward in front of my door; cursing me pretty much all the time, until about eleven o'clock. During all this time I never spoke to him. After he left and went to his house, his wife spoke to him and urged him to go to bed, and he said he would not, but would stay up and watch the remainder of the night. I went to bed about one o'clock and got up in the morning and went out to wash. He said, 'Damn you I will see you when you come down to work.' I went down to work about six o'clock, and I thought I would go and see him, and find out what he was going to do about it, as I was afraid he might slip up on me. I went to where he was at work on the platform, and asked him if he was going to do what he had said he would the night before; if he was going to kill me or not.



He had some of the same sort of timber (already mentioned) – about five sticks – in his hands and threw them all away except one; that one he raised as if to strike me, and said that he would kill me; and I shot him. I did it because I believed he would have killed me.”

He said this in a calm, straightforward way, hesitating now and then so as to recall the incidents that led to the tragedy. He spoke with some bitterness of feeling about the law that prohibited his wife from giving testimony in the case, as she alone heard the threats Wagoner had made on the night preceding the killing. If he were allowed to prove this, he said, it would be impossible to convict him of premeditated killing. No sane man could believe he had shot Wagoner without some provocation. The fact of the killing itself was proved, stripped of any of the causes leading to it, and he was made to appear as a cold-blooded murderer. Everybody knew that Wagoner returned from the excursion to Cairo under the influence of liquor on the evening of the 4th, but no one but himself and wife heard the threats of Wagoner to take his life. If he could have got this fact before the jury, he would not be where he was today.

Burklow was forty-five years old last November. He was born in Graves County, Kentucky, and lived in Alexander and Pulaski counties thirty-two years. He is about five feet seven inches in height, about, we judge, 150 pounds in weight, dark, unkempt hair, chin beard and mustache, cold gray eyes, nose prominent and of a Roman cast, a small mouth firm, heavy jaws, with grave and thoughtful expression of countenance. There is nothing repulsive in the looks of the man. He has been in our county jail, with exception of a brief period while at his trial in Vienna, since the 5th of July last, and the confinement has told upon his frame and features. He says that although he has been in several fights in his life, he was never known to draw a weapon in the personal quarrel. He was a soldier during the war in Logan's Union command, has been married twice and has one child living by his last wife; was divorced from his first wife, who afterward married Dave Waters, of Cairo. She is now in the insane asylum at Cincinnati. His present wife is at Percy, Randolph County. He said a petition praying for a commutation of his sentence had been sent to Gov. Cullom in December last, signed by the judge before whom he was tried, the attorney of the people who prosecuted him, the sheriff and county judge, nine of the jurors, and between six and seven hundred citizens of Johnson County, but had heard nothing of it since. He saw in the *Globe Democrat* a short time afterward that a remonstrance had also been forwarded signed by about, as he had heard, eighty-five persons. He was defended by Capt. J.R. Thomas and Mr. A.G. Damron, the latter gentleman an attorney at Vienna. In reply to questions as to what he would like to have done for him, or if there were any persons, he would like to see, he said he did not know what to do, and apart from his wife and child was friendless. Throughout the whole interview he bore himself like a man saying what he had to say in an intelligent, unembarrassed way, entirely free from the slightest tinge of either braggadocio or weakness.

As the time for Burklow's execution drew nearer, interest in him grew. The reporter from *The Cairo Daily Bulletin* became aware of this as he con-

tinued to probe Burklow. Following up from the previous week's interview, the *Bulletin* published the following on June 23, 1878:

#### Harrison Burklow Makes A Statement

A *Bulletin* reporter paid another visit to Burklow in his cell yesterday. He was found lying in his bunk attempting to read by the imperfect light that entered his cell through an opening about a foot square, down which ran heavy circular iron bars. He wore spectacles and his only apparel were trousers and a shirt of cotton print. Since the news of his fate was broken to him, he has undergone a remarkable change. Then he appeared strong and healthy; now his flesh hangs loose upon him and his attenuated frame and full sunken eyes attest the loss of sleep and appetite. His wife and child whom he expected last week, have not yet arrived, and this adds to the misery of his feeling. He believes himself to be utterly deserted – without a friend upon earth, and has abandoned all hope.

By a letter received from the sheriff of Johnson County, he is informed that he will not be taken to Vienna until a couple of days previous to his execution. When asked if any of the clergy had as yet called upon him, he replied in the negative, coupling it with an expression of some surprise, for, said he, they at least console us to the last. He was anxious to have the information conveyed to them that he would be happy to receive their visits, and knew they would give him consolation. The following communication was sent us on Friday, but our space did not permit of its publication yesterday:

#### Burklow's Statement

Cairo, Ills., June 21, 1878

To the Editor of the Cairo Bulletin

With your leave I will try and explain my situation and my feelings in my trouble. As I have but a short time to live, only two weeks from this day, I wish to solicit the sympathy that is due my wife and my little girl who is only in her sixth year. I hope the people of Southern Illinois will not look upon it as a stain upon my wife and child because of my fate. My wife is of a good family of Jackson County, Illinois. In regard to myself, I have always had a very hard time to make a living, my father having died when I was only seven years old, leaving my mother with a family of five children, all girls but myself. We were in destitute circumstances. I have always worked hard to make an honest living and I am very confident there is not a man living who will say he ever knew me to try to defraud or swindle anybody out of their just dues. I never got anything only what I worked for, for that is the only way I had to make a living. In regard to the trouble for which I have to die, I made a statement a week ago, which is my dying declaration for it is the truth. But there are some few who have sought to take my life, and that from the commencement and they have accomplished their ends. If I had been such a desperado, it seems I would have tried to make my escape, for any man who commits a cold-blooded murder certainly would try to get away. I had plenty of time to go, but I went home and changed my clothes and started downtown and met Boren, who was an acting officer, and William Morgan; they asked me if I would give up. I said I had started to the Justice for that purpose. Now, I don't say I was altogether right, but

nine men out of every ten would have done as I did, although it would have been better for me to have left the place. But it is pretty hard for a man to leave a place where his home is without just cause, because another demands it. When I die I shall die with a clear conscience, but had I killed him in cold blood, as is charged, I never could have died satisfied. And I am satisfied that had I not killed him he would have killed me; and this fact will come to light after I am dead, for it is sure to come out after awhile. There are some people who know how my family and myself were treated, but they withheld what they did know in my favor. I had no hard feelings against any person, for they will have to account to a higher court than the one I was tried by. I don't blame the judge or jury for convicting me, but the verdict was unjust. I say when my life is taken it will be murder in the first degree. Now, I hope the people will endeavor to find out after I am gone all about the matter, so as to give sympathy and comfort to my wife and child, for it is hard enough to have to die wrongfully, without knowing that my family after me will suffer. But as a dying declaration the statement I made a week ago is true. I was born in Graves County, Ky., November 2, 1832; emigrated to Johnson County, Illinois, in December 1843, and have lived ever since in Johnson, Pulaski and Alexander counties, with the exception of one year in Jackson, where I was married. I have been known by some of the oldest settlers of Johnson County for thirty odd years, for instance – F.J. Chapman, S. Hess, J.B. Chapman, A.J. Kuykendall, J.N. Pearce, and numerous others, and I am sure neither they nor any man will say they ever knew me to work or plot to take the life of any man, or even threaten to kill anyone. My motto was to settle my difficulties in some other way than by the taking of life. Now, in conclusion, I am at perfect peace with all mankind, and I hope no person has any bad feelings toward me. We have all to die sooner or later, and we must bear it as best we can. I think my death, under the circumstances, to be one of the most unjust things that could happen, but I have learnt to try and put up with what fate has allotted to me. When a man is dead, it is all over, and I put my trust in God for my peace hereafter. I give my good wishes to the citizens of Cairo; also to Mr. Miller, the jailor, and his family for they have treated me with a kindness a prisoner has no right to expect. I wish them peace and happiness. – A.H. Burklow, Doomed Man

The reporter from the *Bulletin* was tenacious, following up on his investigation of the crime. The reporter realized that no one had investigated the story from Mrs. Burklow. The June 24, 1878 edition of *The Cairo Daily Bulletin* published the following:

#### Should Burklow Hang?

We have no sentimental notions about hanging. Where human life is taken, with deliberation and malice, for purposes of revenge, gain, or lust, that life should be atoned for by the application of the extreme penalty of the law to the culprit, reached through legal forms. [A discussion of a murder case in Chicago follows before taking up the case against A.H. Burklow)

Now as to the case of Burklow. Are there any sound reasons why he, too, should not suffer for taking human life? Are there any extenuating



circumstances to be offered in his behalf? Are there any facts not produced upon trial which might have wrought a different verdict? To these propositions we answer yes, but our readers may form an opinion without prejudice or bias, we will briefly recite some of the leading features in the killing of Wagner, and give statements made within the past three weeks by parties who were not upon the witness stand, but whose testimony, it will be admitted, would have played a conspicuous part on the trial. About the killing of Wagner by Burklow there is no doubt. The prisoner says he did it. As to the cause there are several versions, but all agree that it was the result of a quarrel extending over a period of varying, according to the stories told, from three months to four or five days. Wagner's wife, who is now in this city, and who is exceedingly bitter against Burklow, says it originated three months before its fatal termination. She was never, for some reason, put upon the witness stand. Her statement robs the crime of its worst feature — premeditation. She says there had been ill feeling existing between her husband and Burklow about a sow pig for three months before the killing, but that this was healed over, and the men became upon speaking terms again; that on the day previous to the killing of Wagner, she became involved in a quarrel with Mrs. Burklow about a cow she (Mrs. W.) had driven from her yard; that her husband, who had returned from Cairo where he had been on an excursion, was a witness to this quarrel, and had taken up her side of it just as Burklow reached his own house. She admits that her husband was at the time under the influence of liquor, and while in that condition, she volunteered the statement that he was an ugly man and often made it very uncomfortable for her. When Burklow learned the nature of the quarrel, Mrs. Wagner continued to say, he told his wife to go into the house, that she would be the ruin of him yet. After this Wagner and Burklow got into hot words and at this point Mrs. Wagner gives the important information that her husband left his door where he had been standing and ran Burklow, who had got outside his gate, back through the gate, which Burklow pinned behind him, and into his house, closing the door of this also. She says she could not say whether or not her husband had a club in his hand when he did this, or whether he subsequently used threats against Burklow's life, but she does say that Burklow lived in dread of him, and was afraid to give him a "fair show." Mrs. Burklow, whom the law did not permit to testify in court, and Burklow himself says that Wagner, during this row, did threaten to take his life when he "got a good chance." Mrs. W. further says that both parties watched each other until late in the night. Mrs. Burklow says the same thing and Burklow confirms it. Besides this Burklow was told on the day of the quarrel by a man named Leach, now living at Sanborn, Indiana, to be on his guard against Wagner, and that Wagner had threatened to "use him up" the first opportunity he had. This witness also, for some reason, was not heard at the trial. Burklow and Wagner it should be borne in mind, were working in the same mill. Wagner was the first to reach his post the next morning after the quarrel. Burklow followed, armed with a pistol, having in his mind a recollection of the events of the night before. He went to the mill, and shot and killed Wagner, but just what transpired a few minutes before this no living soul but Burklow knows and his statement can have no

effect upon the matter. It has already been published and, of course, is favorable to himself. Now it will be seen from Mrs. Wagner's statement, which is new testimony: (1) that her husband returned from Cairo under the influence of liquor; (2) that he took up her quarrel with Mrs. Burklow; (3) that this led Burklow into the quarrel; (4) that Wagner ran Burklow from the space separating their house into the house of the latter, who pinned the gate and closed his door behind him; (5) that both parties watched each other through a portion of the night; (6) that Burklow lived in dread of Wagner, and 'was afraid to give him a fair show,' (7) that according to Mrs. Burklow and Burklow, Wagner in that quarrel threatened Burklow's life; (8) that before this Leach, an absent witness, also told Burklow that Wagner had threatened his life.

This, it should be remembered, is all new evidence. It establishes what was not proved on the trial — a provocation to the deed — and places Burklow outside the pale of that class of murderers, which the law, finding guilty, hangs. It was not a sufficient justification to take life, but no jury in the light of these facts, would condemn him to death. It is said that Burklow was not a good citizen. Admitted. But that fact alone should not be permitted to decide this case. Besides, it might be said that Wagner was a dangerous character when under the influence of liquor, and this assertion can be established by irrefragable proof. In the town of Barlow, Kentucky, where he was raised, he bears a bad reputation, and terminated his career there by shooting at his father-in-law. His first wife is still living, and was divorced from him. Public sentiment in Jackson, Johnson, Union, Pulaski, and Alexander counties is against the execution of the sentence of the law upon Burklow. In Johnson County, where he was tried, between six and seven hundred of the best people signed a petition to Governor Cullom praying for a commutation of the sentence. Among these are the judge before whom he was tried, the attorney who prosecuted him for the People, eleven of the jurors who tried him, the sheriff, county judge, and other prominent local officials.

In view of all these facts, we think we can properly appeal in behalf of the people of the southern tier of counties of this state to Governor Cullom to temper justice with mercy. It is not asked that the prisoner shall escape punishment; but believing that his crime does not merit death, they do ask that only such punishment should be meted out to him as his crime deserves. It is just such a case as this the framers of the law had in view when they invested the governor with the power of mitigating the sentence of the court in capital cases. We hope his Excellency may see his way clear to exercising it in this case.

Burklow wrote a letter to Sheriff Carter yesterday, asking that officer to have him removed to Vienna a few days before his execution, that he might have the company of his little seven-year-old daughter previous to his death.

The reporter of *The Cairo Daily Bulletin* did his job well. He had created interest in a condemned man. The following was published in the June 26, 1878 edition of that newspaper:

Quite an interest has been awakened in behalf of Burklow, now a prisoner in the jail in Alexander County, and who will suffer the extreme penalty of the law if Governor Cullom does not interfere. That Burklow

does not deserve some punishment for the crime committed by him no one asserts; but hundreds of people – two out of every three of the people of Southern Illinois – will regard his execution on the gallows as a palpable judicial murder. Of course the judge and jury acted conscientiously, but both judge and jury have, by requesting to commute the sentence to imprisonment, admitted that they were too severe.

The June 28, 1878 edition of *The Cairo Daily Bulletin* revealed the sentiment of the reporter there concerning capital punishment:

If Burklow is hung, we shall refuse to have confidence any longer in the justice of man. He should fear, but he should not be choked to death by having a rope tied around his neck and being then shoved from the platform. He can be put to a better use, and we hope Gov. Cullom will listen to the almost unanimous voice of Southern Illinois demanding a commutation of the Burklow sentence.

As the time for Burklow's execution drew nearer, he was taken to Vienna and housed in the jail there. The June 30, 1878 edition of *The Cairo Daily Bulletin* carried two stories, they are as follows:

The sheriff of Johnson County has fixed 2:30 p.m., on the 5th of July for the execution of Burklow. The time for the judicial murder of Burklow is close at hand, and the crime can be prevented in no other way than by inducing Gov. Cullom to step between Burklow and the gallows. The governor has been praised for his firmness in refusing to interfere in the late capital cases, and may be led to believe that the people of this part of the state are also anxious to have Burklow hung. He should be undeceived by a general demand for the commutation of this unfortunate man's sentence. Four-fifths of our people would be pleased if Gov. Cullom should interpose his power and save Burklow from the rope.

Burklow was taken to Vienna in custody of the sheriff of Johnson County, by yesterday morning's train on the Cairo and Vincennes railroad.

The second story of the *Bulletin's* June 30, 1878 edition was a letter from Burklow:

#### BURKLOW'S LAST STATEMENT

A Further Review of Some of the Points of His Case  
A Touching Appeal in Behalf of His Wife and Child  
Requests of the Doomed Man  
Cairo, Ills., June 28, 1878  
To the Cairo Bulletin

Dear Sir – As my time is near at end I wish to let in as much light on the subject which carries me to death as I can, so that people may judge of it after I am no more, as fairly as justice may allow; but that is all I claim. I do not think I got it. I was placed in a prison outside of the county the same day on which my trouble occurred, and remained there until the second day of court at Vienna. This deprived me of any chance to procure such evidence as existed in my behalf. My wife was the only one who could help me in this, and she was taken sick a few days after I was placed in jail in Cairo, and had to be taken to her sister's in Ran-



dolph County. She had then, as she has now, the club with which Wagner drove me into my own house, and she was not able to attend my trial at Vienna. The friends from whom I expected help were not there, and I was forced into the trial unprepared, without a witness. Being in prison I could find no means of communication with them. After I was sentenced it was too late, although then it was found out that there were several who heard Wagner make threats against me. Mr. Virgil Brock, who heard and saw all the difficulty, was at McLeansboro, and I had to go to trial without him. If I had had plenty of money I would never have been sentenced to die. Now, I don't claim I did right, but under the circumstances I was justifiable to some extent. It is wrong to kill, but it seems just as hard to be killed or trampled on by others, and to have my family abused at their own home. This last fact is known to many who were neighbors. I hope my God will forgive me, if the people do not, for he is all I can depend on; and I hope he will also forgive all who have wronged me. I am at peace with everybody and when I give up my life I hope they will be satisfied and treat my wife and child with respect and kindness. I have some good family connections, and I hope my fate will not bring disgrace on them. I think this will be my last writing. It may be read on the day of my execution. But I do not wish to complain, as I must put up with what fate has allotted to me.

There are three witnesses who testified in my case, whom I would like to be present at my execution. I would like to ask them a few questions, if they will comfort me so much. They are Lewis McCarver, Frank Vandoser, and H.L. Boren. I do not wish them to think that I mean any harm, for I do not. Now, I wish for some good, responsible men to go to Chapman & Hess' mill, and stand at the saws where Vandoser and Murphy worked at the time of this fuss, and place a man where Wagner stood and a man where I stood and let all the saws be running as they were at the time of this trouble, and see whether any sound uttered while the saws are in motion can be heard. I want it done, because it was sworn against me that Wagner said: "Burklow, don't shoot." These words were never spoken, for I was ten or fifteen feet closer to him than anyone and certainly could have heard it if it was uttered at all. I hope some man will attend to this when I am gone and satisfy the people of this point; I am writing this for the people, hoping they may be satisfied after my death as to whether I have received justice. Mr. Editor, please send me a copy of the paper, so that I can retain it until the day of my execution.

Your unfortunate friend - A.H. Burklow

After Burklow was taken to Vienna, he wrote a letter to the jailer at Cairo. The long days from December until the end of June had made it possible for them to become acquainted. The letter was carried in the July 3, 1878 edition of *The Cairo Daily Bulletin*:

#### BURKLOW

A Letter to Jailer Miller - Henry Miller, Cairo, Ill.  
Vienna, Ill., July 1, 1878

Dear Sir - you will please forward any mail which comes there. If any should come and if my wife should come there, please tell her to come on here. Ask my friend to write to me and let me know what was

done for me at Cairo. I am bound to die, and I would like to know who all did anything for to save my life, for I shall bear them my heartfelt thanks and wishes and I hope they may arrive at a better place than this, where it don't cost money to obtain justice and where there are no prejudices, for had I had plenty of money I would have had plenty of friends, but being destitute in that particular I found plenty of enemies. However, I hope no other unfortunate sinner may get in such trouble in Southern Illinois. As I must die, I hope God will forgive me for all my misdeeds in this life, and that I may find a resting place with one who is just and not prejudiced. I give my best wishes to you and Mrs. Miller and Mary and Tillie. Tell Tillie I forgot to look at her little doll and to bid her farewell when I left. Well, Mrs. Miller, drop me a note if you have time between now and Friday, so I may hear from you one time before I depart this life. So, with my best wishes, good by. — A.H. Burklow

The reporter from *The Cairo Daily Bulletin* had a unique opportunity to speak to Mrs. Burklow again on July 2, just three days before her husband's execution. She had appeared in Cairo on that date while her husband was in jail at Vienna. It is not known whether she knew that he had been moved or not. The *Bulletin* carried the following story on July 3, 1878:

Mrs. Burklow

(A Talk with Her and What She Has to Say.)

Burklow's wife was in the city yesterday. She will not attend the execution, nor does she think she will be able to go to Vienna at all. Their little child, for whom Burklow seems to have a real affection, is said to be sick, and Burklow will die without the consolation of a visit from his wife and child would afford him. His fate is unspeakable hard. Mrs. B. is a woman above the medium height, dark hair, black eyes, with a plump, well-formed figure. In her outward appearance she bears traces of refinement, although in her conversation she betrays evidence of a limited education. As good looks in women go, Mrs. Burklow would be classified above the average. She seems fatigued and dispirited, although in no wise averse to talk.

In a conversation with a *Bulletin* reporter, extending over an hour and a half she went over the circumstances of the tragedy in which her husband was so unfortunate an actor. She corroborated his version of the affair, and gave some facts, which were new to then reporter. She received a letter from Chapman last Saturday week, in which he stated that Gov. Cullom had written to him that Burklow would hang. She did not know of Chapman's death until her arrival yesterday evening. The reporter informed her of the rumors which connected her name with that of Chapman, and she insisted upon knowing everything that was said of her in that way. The reporter accorded her all the information he was possessed of, and she denied that statements separately and in the aggregate. She declined to enter into any explanation, and contented herself with general denials. It was pointed out to her that she should by all means visit her husband before his death, but she pled her circumstances as excuse for not doing so. She was out of money, she said. She had some checks of Mr. Chapman's but did not believe she could realize on them. Mrs. Burklow said many things during that conversation, among others that

she would return to Percy, via the Narrow Gauge this morning, having only money enough to pay her hotel bill. She is stopping at the Planters'. It would appear appropriate for the ladies of Cairo to supply Mrs. B. with funds sufficient to defray her expense to Vienna, if she really desires to see her husband before his execution. The amount ought to be raised in a few moments.

The reporter from the *Bulletin* discovered that something was not quite right about Mrs. Burklow's actions. His investigation into her affairs produced the following article in the July 4, 1878 edition of *The Cairo Daily Bulletin*:

Mrs. Burklow left the city via the Narrow Gauge yesterday morning at ten o'clock and will not visit her husband before his execution. A partial explanation of this heartlessness may be found in the fact that she spent Monday night at the St. Nicholas Hotel in DuQuoin with a party from St. Louis, registered as his wife. This is a fact beyond doubt. Comment is superfluous.

Another article from the same newspaper on the same date as above follows:

#### BURKLOW

Gov. Cullom Refused to Interfere in His Behalf  
His Execution to Take Place Tomorrow at 2:30 O'clock

A dispatch received from Springfield yesterday afternoon says that "Some time ago Judge Dougherty withdrew his signature from the petition for a commutation of Burklow's sentence, and since Chapman's assassination protests against the commutation have been numerous. The Governor will not therefore interfere." Burklow will, then, in all human probability, hang at Vienna, tomorrow. His desertion by his wife, the fact that he will be deprived of the consoling company of his child in his extremity, and that he goes into eternity surrounded by a community hostile to him, without friends and without hope, mark his last hours on earth with peculiar sadness. Happily for him, he is ignorant of the baseness of his wife, and the story of the sickness of his child may reconcile him to the deprivation he must suffer in this respect. He hangs, a victim to an exceptional combination of circumstances, his crime being of the least of these.

The extraordinary feature is presented in his case of a judge sentencing a man to death, signing a petition to commute that sentence, writing a letter I support of it, and giving reasons why the sentence should be commuted; then asking the chief executive officer of the state to consider that he had never signed the petition or wrote the letter, and giving additional reasons after this why the man should hang. We leave our readers to form their opinion of the conduct of a man who thus tries and acts upon an issue of life and death. We have characterized all this as extraordinary, and a knowledge of legal criminal history will bear us out in it but even this feature is overshadowed by development recently made in this case, which we refrain from mentioning or discussing in this issue of *The Bulletin*. We may say, however, that the Herculean efforts being made to suppress a full history of the judicial murder – efforts backed by the power of wealth and influence – will end abortively, for the facts, like



Banquo's ghosts, will not down. They will in time come to the surface to plague those who have been and are now clamorous for blood. Another act in the Burklow-Wagner tragedy will end with hanging tomorrow. What will surely follow – when light shall have dispelled the darkness which now appears impenetrable – will make the Burklow case forever notable in the annals of Western crime.

The day before Harrison Burklow's execution, he wrote a letter to be published after his death. He addressed it to the *Johnson County Journal*, one of the two newspapers that showed any real sympathy toward him. The letter was not published until July 12. It is as follows:

Burklow's Last Authorized Production for the Press, on Earth  
Vienna, July 4th, 1878

Mr. Editor: I will write you a few lines in my sad condition just before departing this life. I was interviewed by Mr. Farris of the Yeoman, a day or two since; and he wished to know some particulars in regard to my age and where I was born, but I declined to be interviewed by him from the fact that he appeared to know all about me last winter. He said in an article that I had killed a negro, and that was more than I knew myself, so I supposed he was better informed than I myself, so I thought I'd decline. Well, I hope he will not think hard of me for not talking to him, for I have nothing against him, and I hope he has nothing against me, and I also say the same to every body, for I have no hard feelings toward any one, though I have been badly treated; but when I am done suffering I forgive all. I must say that I hope no other man will suffer what I have, in Johnson County or elsewhere; for no man knows what it is unless he was placed in like circumstances. There are some one or two officers who have not treated me right, but I will not say anything about it. I don't think Mr. Thomas treated me right, but it makes no difference. Mr. Harker said, when he was prosecuting, that 'we must make an example of some one,' and I suppose, being as I was destitute of money and friends, he thought it had as well be me as anybody; so I just put up with the decision as best I can. May God help me through. When this earthly race is at an end, we have a longer one still to run, and if we can gain the love of God, and his pardon, we will get justice without money. The laws of the land should be obeyed, but they should be run by justice and not by prejudice and money. A poor man should have the same as the rich and the rich the same as the poor. The people these days work for money and not for justice. Well, I suppose I will remain so, for it seems that it becomes more and more so every year, and I hope all men may take warning by this and fate of mine and shun all bad company and not fall into such a sad fate as I have. But it seems like the more men are executed the more depredations are committed; so I will leave it for time to come to solve the reasons for it, for I cannot, and in conclusion I say I sincerely hope there may be a change for the better, for the world is in a state of hostility. May God teach them better; for if I had studied the conditions of the corruption in this world at the present day probably I would not have got into this trouble, for it would have been better for me to have left the place and sent for my wife to follow me, for it was impossible for me to live there in peace, for that woman of his was bent on

my destruction, and her and others seeked to get my life accomplished. God forbid that any other poor soul may ever happen to such a fate. I hope God will forgive her for all her wrongs. I am just now in hopes some good man will judge this satisfactorily and decide to say that no person should consider my fate a stain on any of my people, either my wife or my child or any of my kin-folks, for I was drove into it roughly. Please all remember the poor unfortunate man who has to die on the scaffold. Wrongfully sink.

In answer to your question: My early training, before my father's death, was religious; but he died when I was only seven or eight years old. After that my mother being a widow of very limited circumstances, I had very little chance to attend church.

I did attend Sunday school but very little, from the fact that, in my young days there was no such thing as Sunday schools in this part of Illinois. 35 years ago we seldom heard of Sunday schools in these southern counties.

I had read the bible some but never had studied very much about it. I always believed that a man had to be forgiven of his sins before he could enter the kingdom of heaven. I had been a sinner all my life and feared I could not be forgiven.

My most fear is that I am not thoroughly forgiven, and that I cannot tell before I die.

I can't say that I know he has forgiven me, but I feel like he will. I can only say that I hope Jesus loves me, which I sincerely hope he forever will.

I fear, to some extent, that I have something more to do yet before all is right, but will endeavor to keep trying, and when I can see clearly that God has forgiven me I will remember you.

It was caused to a great extent by the women, but it did not originate from the cause which has been circulated. It was not by jealousy on either side; it was about the children and a cow. It was forced on to me, and it cost me my life, which man can take but can't give.

I was born in Graves county, Ky., in the year of our Lord, 1832, three miles north of Mayfield; emigrated to Illinois in 1843, with my mother and grandfather, and he settled the place known as the Cow Gap place near the Indian Point, now owned by Ephriam Davis, seven miles south of Vienna, at which place my grandfather died in 1845; my mother then moved to Hillerman, Massac county, and remained one year; and from there to Caledonia, Pulaski Co., where I lived until the civil war broke out in 1861, when I joined the 31st Illinois Reg't. Volunteers, and served three years. Since that time I have lived in Jackson, Alexander and Johnson counties up to the time of the tragedy. I have lived 4 years in Forman, prior to the difficulty. I don't know as there is any use in saying anything more in regard to the trouble, as it has been published several times. I have nothing more to add at present, only I hope some good men will fulfill my request which I made to Mr. Field; that was to go to Chapman & Hess' mill, place a man where Wagoner stood, one where I stood, and one at the saw where Vandoose was working, and see what they think of his testimony in this case, I being ten feet closer to him than Wagoner was, and he said he could hear what Wagoner said but could

not hear what I said; but said I was saying something. Please attend to this for my sake. With these remarks I will close my correspondence.

Signed by an unfortunate man who was drove to the scaffold wrongfully.

A.H. Burklow – Vienna, July 4, 1878, 3 o'clock p.m.

At 2:20 PM on July 5, 1878, Andrew Harrison Burklow was hanged in the jail yard at Vienna, Illinois.

The day for the execution of Harrison Burklow came on the same day that the *Johnson County Journal* went to press, so it was them that brought the first news of the event to the outside world. Their July 5, 1878 edition published this quick story:

#### A.H. BURKLOW SWINGS OFF INTO ETERNITY

The original horizon had scarcely been illuminated by the rays of the morning sun, when the people crowded to their utmost capacity; nor did they cease coming until he had reached the zenith of his height. It could not have been anything but idle curiosity that called this large concourse of people, as only fifty, including reporters and ministers, could be admitted to witness the execution. The scaffold was erected near the jail door. At 2 o'clock, Sheriff Carter and his deputy, W.R. Wiley, lead the prisoner to the jail door, when he stood on a platform at the head of the stairs and spoke as follows:

"I haven't much to say. I did think I would make a long talk, but it is hot. I will say, friends, that this is a hard sentence I have got. I further say that this has been stated in the papers as well as I can state it. I have been treated very bad by some. I hope God will forgive them, and I hope God will forgive me for all the sins I have done. I have no malice against any one."

He was then lead to the gallows, where his spiritual advisors, Revs. Field and Johnson, conducted devotional exercises. The prisoner knelt in prayer, and while singing the second song: 'That awful day will surely come,' he showed considerable feeling, but did not shed tears. His arms were tied; then shaking hands with all on the scaffold, he stepped on the trap-door, where sheriff Carter placed the black cap over his head and adjusted the noose about his neck. W.R. Wiley then cut the rope, and he dropped at 2:20. At the first minute his pulse beat, 66; second, 36; third, 60; fourth, 30; fifth, 54; sixth, 108; seventh, 108; eighth, 72; ninth, 78; tenth, 54; eleventh, 72; twelfth, pulse imperceptible; thirteenth, 78; heart beat, fourteenth, 90, very low. At 25 minutes he was pronounced dead; at the 30TH minute he was cut down and placed in a coffin, and the remains turned over to William Burklow, the prisoner's nephew.

So ends the chapter. Burklow has paid the penalty of the law. But whether society has been improved by this inhumane act is the question.

Excerpts from the *Chicago Daily Tribune* of July 6, 1878 edition follow:

...The day was very warm, and the Town of Vienna was full of people... ...His hands were tied behind him, the noose was adjusted, the black cap drawn over his face, and at 2:20 o'clock, the rope was cut, and the doomed man fell fully seven feet. There was a slight contraction of the limbs, a tremor of the muscles, and a shrug of the shoulders...



...After hanging twenty-eight minutes the body was taken down, placed in a coffin, and turned over to his nephew, William Burklow...

The most complete story of the execution was brought by the reporter from *The Cairo Daily Bulletin*. Their publication of July 6, 1878 brought the following to its readers:

#### THE GIBBET

The Last Scene in the Burklow-Wagner Tragedy

Johnson County Out En Masse at the Scene of the Execution

The Prisoner's Last Hours

How a Courageous Man Met Death

Incident about the Jail and Enclosure

As Burklow said in his dying words yesterday, the circumstances of the tragedy which brought him to the gallows have already been stated so often in the newspaper that the public are familiar with them – and that portion of the public embraced among the readers of *The Bulletin* are especially so. We shall therefore confine our report to the events which occurred at Vienna yesterday and to such other new facts as have a bearing upon the case.

As early as seven o'clock people from miles around began to flock into Vienna in every imaginable kind of vehicles, on horses and mules of all colors and kinds, and many trudged long miles in the burning sun to be rewarded later in the day with a look only at the enclosure wherein Burklow was to step down and out. The town wore a regular holiday appearance. Peter Funk was there crying out his wares to the lowest bidder, and taking advantage of the crowds that that most popular of showmen – Jack Ketch – never fails to attract; temporary stands were erected at various places in the town for the sale of water colored with syrups; for lemonade with just the bare suspicion of lemon in it, for popcorn, taffy and illuminated stick candy, with which to seduce the country lads and lassies. One of these stands was erected near the entrance to the gallows, and the noisy unthinking crowd presented a grotesque contrast to the solemn sound of the hammer and saw of the carpenters putting the finishing stokes to the instrument of death. By two o'clock at least twenty-five hundred people surrounded on all sides the enclosure and the jail, and stood under the descending rays of the hot sun without a murmur, waiting to catch a glance at the prisoner as he stopped on his way from the jail to the gibbet.

About ten o'clock Messrs. W.F. Schuckers, Tom Winter, L.L. Davis, Peter Saup and a *Bulletin* reporter were escorted to the old barn-like building that does duty as a jail and in which Burklow was spending his last hours upon earth. Ascending a rickety flight of steps that led from the outside into the building, the party was halted in a room over Burklow's cell. Sheriff Carter, unlocking a trap door, descended along by aid of a ladder. The *Bulletin* reporter was asked to descend by the sheriff, at the request of Burklow. After shaking hands and making some inquiries as to how he passed the previous night, and how he felt, Burklow asked him this question:

"Have you heard any reports about my wife?"

The reporter answered in the affirmative.

"I want you to tell me if you believe they are true!"

He was told that a great many reports were in circulation, the truth of which the reporter would not undertake to affirm, adding that he knew most of them only as rumors, and to repeat them under the circumstances would be to unnecessarily add to his misery.

"The reason I have asked you," he said, "is this; I have a little girl, and I want to know from you the truth; would my wife be a fit woman to raise my daughter? Do you believe she is a good woman?"

The reporter answered that he thought his wife was not a good woman; that there was unquestionable evidence to sustain this fact, and that he might judge from that as to her fitness to raise a girl child.

"That is what I want to know," he said, "I will make arrangements to have her raised by my own folks."

The portion of the conversation bearing on this matter then terminated. It was thought that Burklow would be permitted to die in ignorance of the conduct of his wife, but it seems that on Monday last some person having access to the jail told him all he knew or had heard of her conduct since Burklow's imprisonment. The reporter thought it best, under the circumstances, to say only what is here recorded.

The razor and shears had wrought a wonderful change in his appearance since we last saw him. He slept well, he said, the night before, and was able to relish food, as well as to have a sound nap now and then. He looked fresh and clear, his eyes were no longer bloodshot, and excepting the sickly hue of his skin, the result of his year's imprisonment, he showed no traces of mental anguish or bodily suffering. His coolness was remarkable. In the terrible ordeal through which he passed – from the reading of the death warrant in the presence of the multitude to the moment that the rope was parted which sent him through the trap – he never flinched. There was an entire absence of the bully or the desperado in his demeanor. He died with a full realization of his fate, but the spectator could look in vain for any outward sign of the terrible strain that was upon the man.

After some further conversation with the sheriff and the reporter, the trio ascended the ladder to the room above. There the sheriff asked the gentlemen if they had any questions to ask Burklow. There was but one response. That was an inquiry as to whether he desired to say anything he wished to reach the public after his execution. Burklow replied to this that if he concluded to say anything of the nature indicated by the inquiry he would do so from the platform of the jail.

The sheriff then said Burklow desired to have a talk with some of his relatives. This last was acted upon and those not of the member included by the sheriff's remark withdrew.

At about one o'clock Sheriff Carter, Deputy Sheriff Wiley and Revs. Joel Johnson and J.W. Fields proceeded to the cell of the condemned man, where devotional exercises were had.

At 1:45, Burklow, handcuffed, accompanied by the same gentlemen, appeared on the platform of the jail building. The sheriff read the death warrant to him in a clear, calm voice, and Burklow, leaning his arms on the railing, listened, apparently, attentively to it. At the conclusion of its reading, the sheriff inquired if he desired to say anything, and Burklow,

raising himself erect, without any perceptible trepidation in his voice or manner, said:

"Friends – I have but little to say, but I will say, my friends, that tis a hard sentence I have got. I thought I would make a lengthy speech, but it is very hot and I will not say much. I have already stated in the newspaper all I have to say about this matter. I hope everyone will think this matter over and give it the benefit of their judgement. I will further say that I have not been treated well since the commencement, I have no malice toward anyone either here or in Forman, and I hope that I have the sympathy of everyone, and I hope they will forgive me as I forgive them. If they have done me a wrong may God forgive them, as I hope God will forgive me for all the wrongs that I have done, and take me to a better world."

The party then descended the steps leading from the jail into the enclosure containing the scaffold and the coffin.

The enclosure was full twenty feet square, twenty-five feet in height, and adjoined the jail, shutting off the crowd from all sides. The gallows was of the old fashioned kind. A platform eight feet square, eight feet ten inches above the ground, in the center a trap door four feet square, back off and connected with it was a stout beam projecting above the platform about nine feet, and from this beam, an arm extended over the platform. From this arm, fastened in an iron ring, the noose dangled.

The party ascended the steps leading to the scaffold. Rev. Mr. Johnson opened with a short prayer, the prisoner kneeling. This was followed by the singing of "That Happy Day Will Surely Come." "Jesus the Source of All My Joy," "How Could I bear to Hear Thy Voice," and one other, the title of which the reporter failed to catch. This was followed by a prayer by Rev. Mr. Field. The words of the prayer were well chosen, the matter of it was good, and it was delivered in a clear, loud voice and earnest manner, but a sigh of relief went up from the assemblage at its conclusion. It was painfully long. The effect of it upon the prisoner was apparent. It almost exhausted him. Rising from his knees, he leaned against the wide of a barn forming one of the walls of the enclosure, for support. Burklow in a few moments recovered his steadiness, and standing up, shook hands with the retiring clergyman. His arms were pinned above the elbows and the wrists. Sheriff Carter then shook hands with him. It should be mentioned here that it was the desire of Burklow and his friends that Mr. Carter should execute him. Deputy Wiley also bade him farewell. He was then placed on the trap and his feet bound. Carter drew the black skullcap over his face and neck. Boren was the last man Burklow looked upon. He shot a glance at him that would have pierced a stone. During this time – from the pinioning of the arms to the drawing of the black cap – the most profound stillness prevailed throughout that vast throng. To see that black-hooded figure standing motionless on the scaffold – with a second between it and eternity – was a sight to shake the stoutest hearts. To some it was sickening. In adjusting the rope about his neck Burklow was heard to say, "Don't smother me," or words of a like import. They were his last. The sheriff stepped back. His deputy, ax in hand, approached, with a blow severed the rope that held the trap, and Burklow shot through it with a heavy thud, the sound of



which reached the utmost confines of the crowd. Within the enclosure could be heard the faint screams of the women on the outside and the surge in the great crowd. He dropped nearly eight feet, an unusually long drop. For a few minutes he breathed violently. Drs. George Bratton, G.W. Elkins, J.M.C. Damron, and A.J. Benson, took and noted his pulse and when this became too weak to be longer felt, took the heartbeat. He went through the trap at 2:20; at 2:30 his pulse ceased; in seventeen minutes from the time of his plunge life was pronounced extinct; in twenty-seven minutes he was cut down. His neck was broken by the fall, and his head hung to his shoulders, limp and swaying in all directions. There was a slight discoloration of the neck, and when the cap was removed, he looked as natural as life. His body was taken in charge by his relatives, who stand well among their neighbors. Placed in a coffin, and the screws driven in, what was mortal of Burklow was laid away in its last covering. He was human; he suffered as few suffer for their misdeeds while living. And all who have a grain of charity in their composition will invoke for him that mercy they hope for themselves.

Too much cannot be said in praise of Sheriff Carter and his efficient deputy, Mr. Wiley. No gentlemen ever performed a disagreeable duty with more kindness, patience or humanity. There was not a flaw in the manner of the execution from beginning to end. More than this cannot be said.

Andrew Harrison Burklow was buried at the Chapman Cemetery in Johnson County. His grave was located outside of the cemetery as it was in 1878. It is reported that the people at that place did not want him to be buried inside the fence of the cemetery. Today, his grave is surrounded by other graves as the cemetery has grown. His marker is a simple sandstone block with "Harrison Burklow, Age 46."

His desire that his daughter, Viola, would be raised by his family did not come true. The 1880 census of Somerset Township, Jackson County, Illinois, shows her living with David & Mary Williams. Mary was a sister of Emma Burklow, Harrison Burklow's wife. A few houses away, another Burklow, Harry, is living with James W. & Sarah J. Vaughn. Harry is listed as their nephew. Sarah is another sister of Emma Burklow.

A surprising fact to this story is that on December 25, 1878, a child was born to Emma Burklow. The male child was named "Andrew Harrison Burklow, Jr." For those who are immediately calculating the possible conception date of this child, be aware that Harrison Burklow was held in the jail at Cairo from the middle of December 1877 until June 30, 1878.

Viola Burklow, the daughter of Harrison Burklow, married Harry Adolphus McGinnis about 1893 and had three sons. She died sometime before 1904.

Andrew Harrison "Harry" Burklow, Jr. lived in Poplar Bluff, Mo before moving to San Mateo, California, where he died about 1953.

Emma Burklow was formerly Emma Golliher. She and Harrison Burklow were married in 1871 in Jackson County, Illinois.

## 1877 – MISSED THE CHICKEN AND KILLED A BOY

### Mr. Barnes killed the youth Hood

The following accidental killing was never brought to court in Johnson County but is noteworthy. The July 8, 1877 *Cairo Daily Bulletin* carried the following news:

#### Accidentally Shot – Missed the Chicken and Killed a Boy

The *Johnson County Yeoman* gives the following account of the accidental killing of a boy at New Burnside in that county, on Tuesday last. 'Mrs. Hood sent her son, a boy thirteen years old to Mr. Barnes' grocery store after some chickens. Mr. Barnes got his pistol and just as he was in the act of shooting at the chicken, young Hood ran between Mr. Barnes and the chicken, the ball striking him in the head, inflicting a wound from which he died in about thirty minutes. Young Hood was a very intelligent boy, and a great favorite with the people of the little town.'

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## 1877 – JUSTICE BY HIS OWN HAND

### Powell Short shot William Arnett

The news of August 10, 1877, as it appeared in the *Johnson County Journal*, was as follows:

Another Man Sent to Eternity Only a few weeks ago we gave an account of a tragical murder committed at Forman, Illinois. Our people are scarcely over the shock 'til we are pained to chronicle a second. On last Tuesday morning, as William Arnett was coming to town with a load of oats, he was shot by Powell Short two miles west of Vienna. The facts as told us, are as follows. Short was at James Oliver's, a half mile or over, west of his house, when he saw Arnett coming. He remarked to Mr. Oliver that he must go home, and started in advance of Arnett's team. When he reached his house, he went in, got his gun and came around the corner of his garden to the road again. In this time Arnett had come up. He told Arnett that he was going to kill him. Arnett insisted that he should not, as he was unprepared to defend himself, and that he was not mad at him. His pleas were not sufficient to prevent the fatal shot which took effect; one ball striking the upper part of his right hip bone, and the other just glancing over, and going into his body. He lived about three hours and expired.

The cause is the result of a law-suit pending, wherein Arnett is accused with an assault upon the person of Short's wife, to commit rape.

Short made his escape, and up to the present writing has not been heard of. The deputy sheriff, with a large posse of men, are in search of him, and it is to be hoped they will be successful.

The reason for Short's malice toward William Arnett were described in the *Cairo Bulletin* newspaper of August 11, 1877:

On last Tuesday afternoon a difficulty occurred at Vienna in which a man named Bill Arnett was shot and instantly killed by one Powell Short. The particulars of the case as near as we can learn, were about as fol-

lows: Some five or six months ago, Arnett who was Short's neighbor, went to the house of the latter to borrow a maul. Short had left the maul in the woods some distance from the house, and told Arnett to wait until he could go and get it for him. When he returned he learned that Arnett had seduced his wife, which caused the indictment by the grand jury of Johnson county, at their next meeting, of Arnett, but upon trial he was discharged. Last Monday morning Short was sitting on the fence near his house, when he caught sight of Arnett coming down the road. He jumped to the ground and ran to his house and procured a shotgun. He then stationed himself in the road, and waited for Arnett to come up. When Arnett was within a few yards of Short the latter said, 'Bill Arnett, I'm going to kill you.' Arnett replied by saying, 'you don't want to kill me?' 'No, I don't want to kill you,' Short said, 'but I must.' With these words he raised the gun and fired, sending a heavy load of buckshot into Arnett's body, killing him instantly. Short made his escape, and up to yesterday had not been arrested.

The newspaper accounts, although disagreeing in some places, tell the story of the incident sufficiently. Powell Short was indicted by a Grand Jury in December off 1877 for the Murder of William Arnett, but Short had escaped and had not been found at that time.

After Powell evaded arrest, the Sheriff of Johnson County actively pursued him. The *Johnson County Journal*, of August 17, 1877, reported: "Powell Short, who shot William Arnett, was seen near Mayfield, Ky., last Saturday." As noted in the *Massac Journal* of August 18, 1877. "Sheriff Carter, of Johnson County passed through Metropolis, last week, on his way to Kentucky, in pursuit of the murderer of Wm. Arnot, returned, on his way to Vienna, last Monday, without the criminal. He obtained no traces of him, and justice is thus cheated of her victim."

The active search for Short is evidenced by an article in the *Chicago Daily Tribune*, of April 19, 1879: "Springfield, Ill., April 18 – The Governor to-day issued a proclamation offering a reward of \$200 for the arrest and deliver to the Sheriff of Johnson County of Powell W. Short, who shot and killed William Arnett in that county Aug. 2, 1877."

Reviewing some of the court documents, one can find antiquated terms and phrases regarding the rape, because of the sensitive nature of the incident. The Grand Jury Indictment, noting that the incident happened on March 7, 1877, made this statement: "...did forcibly and against her will ravish and carnally know her."

The pursuit and arrest of Powell Short was unsuccessful in the era that it occurred. With the wide variety of records that may be obtained by avid researchers, the task is not as difficult as it was then. The aid of the accumulation of records over the years will produce the following facts.

Powell Short was the son of Richard and Dicey A. (Toler) Short. He got his name from his grandfather, Powell Toler. Malissa Ann Cochran, Powell Short's wife, was born to Terry C. and Nancy Jane (Snider) Cochran. Powell and Malissa were married on January 4, 1876. Malissa was born December 15, 1861, making her 14 years old when she married 22 year-old



Powell Short. She was just 14 and pregnant when she was raped by William Arnett, who was 35 years old.

William Arnett was born at Viola, Graves County, KY, near Mayfield on January 26, 1842. His father was William Arnett who died on December 11, 1841, a little more than six weeks before young William was born. His mother was Mary McNeil.

William Arnett, our subject, married Nancy Jane Oliver on January 26, 1870, William's 28th birthday. Nancy was born in December 1845, her being about 25 years old when she was married. Her parents were William and Susan (Piner) Oliver. They had one son, Calvin C., born in 1871. After William was killed by Short, Nancy and her son remained in Johnson County for a while. At her death in 1925, she was living at Gainesville, TX.

Tracking the Short family was more difficult because they wanted to remain hidden to escape the murder indictment in Johnson County. The first child born to the Powell and Malissa was Thomas Melton on September 30, 1877. By that time, the family had moved to Missouri where Powell went by the name of Worthington rather than Short. Worthington was his middle name, given to him in remembrance of his grandmother, Mary (Worthington) Short, the wife of Samuel Short.

Other Children were: Frank Stanley Worthington, born in 1881 in Missouri; Victoria Belle Worthington, born in 1885 in Missouri; and William "Will" Worthington, born in 1888.

By 1910, the Worthington Family had found their way to Delaware County, Oklahoma.

An independent publication, *The Hells Neck Feud*, by Gary Hacker makes note of this murder and also published a report from Wayne Cochran that verifies the research by the authors of this story.

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## 1877 – SATURDAY NIGHT KILLING

### James H. Arnett shot Ed Mutz

September 29, 1877 – Saturday night, a time for drinking and carousing for three men of Johnson County, turned into an argument in which one man was left dead.

James H. Arnett, Edward Mutze and Richard Boyles were on their way home from Vienna when the incident happened. All of them lived in that area southeast of Vienna that includes modern day West Vienna as its northern point, Cypress as its southern point and Vienna as the third point of a triangle.

As the three were traveling along about a mile out of Vienna on the road that is now known as the Cypress Road, Arnett made some improper comment about Mutze's wife. Ed Mutze took offense at Arnett's remark and they began arguing. Arnett physically threw Mutze out of the wagon. The commotion frightened the mules and they ran off down the road a way.

Mutze followed along after the wagon with his revolver in his hand making threatening remarks. When he caught up with the wagon, he still had the pistol in his hand and they began arguing again. Arnett saw the gun

and drew his own gun and shot Mutze. The lead ball passed through Mutze's body, injuring him critically.

Mutze was taken to his home but died before that Sunday Morning. Arnett was arrested and taken into custody by the Sheriff. Arnett was released on a bond of \$700.

Little is known of Ed Mutze other than his occupation described as a stove-cutter. He was married to the former Rachel Buffington of Massac County before moving to Johnson County. Mutze's father lived in St. Louis. The couple had no children.

James H. Arnett was a well-known figure to people of Johnson County. He seemed to live a charmed life, getting away with whatever he did. It seemed that he could not be convicted in any court. Moving here from Kentucky after serving in the Civil War, Arnett established himself as a local ruffian. His brother, William had been murdered during the previous August because he had been acquitted of rape.

James Arnett's attorney requested a change of venue from Johnson to one of the surrounding counties because he feared prejudice against Arnett because he had recently been acquitted of Attempted Murder. The request was denied and the case came to court in December of 1877. The trial lasted ten days. There is no record of what occurred in those ten days.

What is known, is that Arnett claimed self-defense, presenting that he feared for his life since Mutze had a pistol pointed at him. The Grand Jury noted that Arnett had his pistol in contact with Mutze's belly when he pulled the trigger. It appears that Arnett's attorney must have brought a convincing story because the jury came back with a verdict of "not guilty."

James H. Arnett was free again but it is not the last time he will be heard from.

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## **1877 – A DANGEROUS MAN**

### **James Lowery Fort**

James Lowery Fort, a notorious criminal, was several times involved in incidents that came close to killing people. For that reason, he is featured in this book because of his several attempts to kill people. The *Johnson County Journal* of December 21, 1877 published this about him:

#### **A Man Shot**

Lowry Fort came in and gave himself up. He reports he shot a man by the name of Abbitt near the Pope county line. He says Abbitt was trying to assault him with an ax, and he shot him to save his life. We have not learned whether the wound is mortal or not.

A Grand Jury indictment for assault with a deadly weapon to do bodily injury was brought against Fort for his shooting Samuel Abbott.

James Lowery Fort was a dangerous person with firearms and would have been more dangerous if he could shoot straight. The May 24, 1878 issue of the *Johnson County Journal* shows one of those incidents.

Lowery Fort on the 17th inst., shot Bud Mount twice with a revolver – once in the side and once in the thigh. The wounds are not dangerous. We have been informed, the trouble was about a woman. Fort came in last Tuesday and gave himself up, and was bound over for his appearance at the next term of the Circuit Court in the sum of \$700.

The man he shot was officially known as Marion Mount according to a Grand Jury indictment issued against Fort, charging him with assault to do bodily injury.

The *Johnson County Journal* carried another story about James Lowery Fort on June 13, 1879.

#### SEVERAL SHOTS FIRED, BUT NO ONE SERIOUSLY HURT

On last Monday, four miles north of this place, a lively shooting took place between J.L. Fort and his father-in-law, John Whiteside. The trouble which lead to the shooting, we have been informed, was a family feud, better understood between themselves.

Fort went to his father's-in-law Monday on some business, when the difficulty ensued, which resulted in Lowry emptying the chambers of his pistol at the old gentleman, and he emptying his rifle at Lowery. Mr. Whiteside received a slight wound on the collar bone.

The Sheriff and other parties have put in several days hunting Fort this week, but have been unsuccessful at the time of this writing, notwithstanding he is dodging around in the neighborhood.

Mr. Fort is getting too reckless with fire arms. This is the third time within two years he has been in this reckless business. Whether he had any provocation for this rash act, we are unable to say. It will be a fact for the court to inquire into, if he is arrested.

Fort was charged with assault to kill and murder, or in other cases noted as attempted murder of John Whiteside.

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#### 1878 – NEWS OF JOHNSON COUNTY MEN INVOLVED IN MURDER John Hill and Frank Balleau charge with murder in Kentucky

The following is from a Vienna newspaper. It carries first a story that appeared in the *Golconda Herald* and then adds a note that the men who were charged with murder were former Johnson County men.

*Johnson County Journal* – May 31, 1878  
MURDERED

Two young men names respectively H.C. Benson and Edward McClarn were found foully murdered last Friday week in the river at the mouth of Wiley's Creek, about four miles above Berry's Ferry, in Livingston county, Ky. Several pistol shots and horrible knife cuts were found on the bodies of each, and it has since transpired that they were evidently murdered for their money by two men named Hill and Ballou residing on what is known as the J.T. Davis farm, as they have left the country. Both have the reputation of being hard characters, and Ballou, it is said, attended coroner's investigation and assisted at the burial of the two unfortunate murdered men. Parties from Kentucky and this place are



in pursuit of the murderers, but up to this date nothing definite has been heard from them.

The murdered men were venders of patent medicines, one being from Madison, Ind., and the other from Malden, Mass. – *Golconda Herald*

The murderers referred to in the above are John Hill and Frank Balleau formerly of this county. They moved from here to Kentucky about 10 months ago. Hill was captured last Sunday night at Holeman Anderson's in Massac county and was taken to Kentucky. Balleau is still at large. He is supposed to be in Tenn. Parties are in close pursuit.

Jack Hill, the father of John, died last Monday night, but was unconscious of the great crime of his inhuman son up to the time of his death.

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## 1878 – FRIDAY NIGHT AT MT. PISGAH

### William Penrod shot John Bradshaw

Toward the end of February 1878, the farming communities were preparing to begin their year by sowing crops, the time being right for oats. The winter was not quite over but as the weather began to warm, activities in the community were beginning to attract people. Social events usually drew people from surrounding communities, depending on the weather.

Mt. Pisgah community, usually known as Pisgah and pronounced Pizgee, is located about five miles northwest of the present village of Cypress. A cemetery is all that remains today. A church once sat next to it. Down the road, a short distance to the east, is the location of the old school house that was still in operation as late as the mid 1950's. All this sits atop a high hill from which people could see over the valley to the south, most likely giving credence to its Biblical name.

The last Friday night in February, the 22nd day of the month, a scheduled school exhibition was held. People from miles around came, not just to see the student exhibition, but to socialize in various ways. There were the usual parents, the families, and the school supporters at the event; but there was another faction that usually showed up – the rough and rowdy crowd of men and boys that were there to do mischief.

The exhibition at the school was a type that was popular in that era. Instead of an exhibit of the skills of the students, it appears that the students had been urged into a production of a type of minstrel show. Mark Twain – Samuel Clemens wrote about these types of shows in his memoirs. The book, *Mark Twain in Eruption: Hitherto Unpublished Pages about Men and Events*, published the following:

I remember the first negro musical show I ever saw. It must have been in the early forties. It was a new institution. In our village of Hannibal we had not heard of it before, and it burst upon us as a glad and stunning surprise.

The show remained a week and gave a performance every night. Church members did not attend these performances, but all the worldlings flocked to them and were enchanted. The minstrels appeared with

coal-black hands and faces and their clothing was a loud and extravagant burlesque of the clothing worn by the plantation slave of the time...

A letter to the editor of the *Johnson County Journal*, from a citizen of Lincoln Green, now known as West Eden, was published in the March 8, 1878 edition of that newspaper in regard to the exhibition at the Mt. Pisgah School. A portion of that letter has the following:

We hope the time is not far distant, when our people will become enlightened enough to put away these school exhibitions, connected with "nigger shows," and institute something that is more noble and elevating. From past experience we are constrained to say, that these exhibitions are demoralizing to a community, and not only this, but the preparation for such occasion, stops the interest in any school. The studies are to a great extent laid aside, and their time employed in what is in our judgment worse than time lost. Let these thing be laid aside, and the studies in the different branches prosecuted with increased energy until the last day. Then have an open examination. Let all come out and see the advancement every year.

The events that happened at the Mt. Pisgah School exhibition on Friday night, February 22, 1878, are best described by writer of the *Dongola News* as published in the *Jonesboro Gazette* for March 2, 1878; all of these events happening inside the school room:

There was an exciting time at Mount Pisgah school house, nine miles east of here, in Johnson county, on last Friday evening, caused by the shooting, and instant death, of John O. Bradshaw by William Penrod.

A dramatic exhibition by the scholars was going on, and Penrod had something to do with the stage management. In virtue of his position, he put some of the children off the stage, or platform, which was somewhat crowded, and among them Bradshaw's. This incensed Bradshaw and brought on a quarrel and a fight between the two men. A young man, Oliver Morse, who lived with and worked for Penrod, went in to assist his employer, when Bradshaw, finding the odds against him, started to run. He ran twice around the school-house, with Penrod after him, during which time he snatched up a stone and threw it at the latter, striking him in the face and stunning him. He, however, soon recovered and continued the chase, overtaking Bradshaw while passing through the audience. At this junction Bradshaw turned towards his assailant, when the latter shot him, causing almost instant death. These are the main features of the horror as related by some of those who were present.

Dr. A.G. Williams of this place, assisted by Dr. R.M. Whitnel of Belknap, held a post mortem examination of the body of Bradshaw, on Sunday evening, and found that the pistol ball entered the body about two inches to the right of the left nipple, passed through the heart near its apex, and lodged near the spine.

Bradshaw was a widower, and left some children for the world to care for. Penrod is a prosperous and well-to-do farmer, living five or six miles east of town. He has an interesting family, and seems to have that around him which conduces to comfort and makes a pleasant home. He took to the bush immediately after the tragedy, but was captured on Sunday at Dr. Scarsdale's in Bradshaw, a post town not far from Mt. Pleas-

ant, whither he had gone to have the wound on his face attended to. At this writing his preliminary trial is going on at Vienna.

Parties who were at Penrod's house on Saturday discovered the young man, Oliver Morse, coming home, riding one horse and leading another; and the conclusion was that he had assisted Penrod in getting a start in his flight.

He was arrested, taken to Vienna and tried as accessory, before and after the fact, and held in a bond of \$1,500, in default of which he languishes in the Vienna jail.

William Penrod was brought before the courts with an indictment of murder. His bond was set at \$3000. Oliver Morse was jailed because when arrested, it was thought that he had assisted Penrod by stabbing Bradshaw. When it was discovered by post mortem examination that there was no stab wound to Bradshaw, Morse was released on a bond of \$300.

In August of 1879, while out on bond, and before his trial, William Penrod got into an altercation with Mike Rich of Cobden, over a game of cards in a saloon in Dongola. The altercation came to blows, with Penrod using a knife. There being no witnesses, it appeared that Rich must have used brass knuckles considering the appearance of Penrod's face. Rich did not escape unharmed, as he had been cut on the hand. The readers may draw their own inferences from this account.

Oliver Morse, under indictment as an accessory to murder, had his own troubles in December of 1878, as reported in the *Johnson County Journal*: "Oliver Morse, who is now under indictment as accessory to the killing of J.O. Bradshaw, became involved in a difficulty at Dongola with a couple of boys the other day, and was badly used up with a knife."

The case of William Penrod came before the Johnson County Court in October of 1879. No details of the trial are available other than witness lists and a list of jurors. The trial ended with a verdict of: "We, the jury, find the defendant guilty of man-slaughter, and fix his penalty at three years in the Penitentiary."

Penrod was taken to an unnamed state penitentiary to spend his three year term. He was there from October 1879 until December 10, 1880 when he was pardoned by the Governor of Illinois. His pardon was granted on the recommendation of the Judge and State's Attorney. No reason was given for the pardon in any of the court records available today.

Other interesting notes published in the newspapers concerning the death of John Bradshaw were as follows. First is an excerpt from a letter to the editor, regarding the killing of Bradshaw. It was from a West Eden citizen to the *Johnson County Journal*, appearing in March 8, 1878:

But this is not all that was done at the above named exhibition, or show, as some called it. There was a mule's leg broken, horses turned loose, saddles misplaced and injured, wagon seats hid, and we can't tell all that was done.

The second is an editorial opinion from the *Journal* on March 1, 1878:

We have been informed that at the exhibition at Mt. Pisgah last Friday night, the time Bradshaw was killed, that pistols and knives were numer-



ously displayed. What kind of a community can this be, that the citizens go armed to the teeth to church and other civil entertainments. This would have been all right fifty or sixty years ago, when people were liable to be attacked by Indians or wild beasts, but not now.

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## 1878 – WHO KILLED FRANK CHAPMAN

While the public was consumed by the news coming out of Vienna concerning the upcoming execution of Harrison Burklow, the village of Forman was rocked by another murder. Forman often saw fights and more than its share of murders but this case was more alarming because of who was involved. Franklin J. Chapman, the senior partner of Chapman & Hess, the owners of the mill at that village, was the victim.

Who was Frank Chapman? That may best be answered by an obituary that appeared in the July 26, 1878 edition of the *Johnson County Journal*:

### SKETCH OF FRANK J. CHAPMAN

Frank J. Chapman was born in the town of Vienna, Johnson County, August 23, 1830. He was brought up chiefly on a farm, though as he reached manhood, he was educated in mercantile business.

He was married to Miss Anna Price in 1851, by whom he had one child, Florence, now wife of B.B. Brownlee, Esq. Shortly after the birth of Florence, the mother died. Mr. Chapman was married to Miss Mary Stuart in 1853, and was at his death, the father of six living children - two of whom are married - Florence, above mentioned, and Lydia, wife of W.H. Ashley, Esq.

Mr. Chapman removed from Vienna to Carbondale in 1865. He had prospered in business, and was at that time in the possession of considerable wealth. He was an energetic business man, there was no undertaking that seemed to him unsurmountable, and he was generally successful. From his coming to Carbondale, to December, 1876, he was employed as a general merchant and cotton and produce broker. At the date mentioned occurred the disastrous fire which swept away the large three story block known as the "first Chapman block." He lost heavily by this disaster, and did not thereafter fully recover from the embarrassment occasioned thereby. But with him there was no such word as give up. In a short time after the fire he established a lumber mill on the Cairo and Vincennes Railroad at a point eight miles West of Vienna. [Author's note: This mill was eight miles south, not west, of Vienna.] He also laid out a town which he named Forman. Here his time was chiefly employed up to the hour of his death.

None who knew Mr. Chapman will ever forget him. He was the friend of all. Our town has never contained a more valuable or public spirited citizen. He was kind and obliging to the poor, especially, he endeared himself, for his heart was always open to appeals for aid. He did more to improve and beautify Carbondale than any other one man. He was liberal to the churches, and was always first in every good work. He was an ardent politician, always contributing largely for campaign purposes, and working faithfully for his political party. During the enthusi-

astic campaign of 1868 he was President of the Grant Club. We will remember one incident of that time which tells what the man was. He uniformed and equipped a company of 120 strong. Some of the men repaid him, for their individual expenses, but he paid the money out again for political purposes.

Who shall fill his place? The answer shall not come soon. He will be missed, not only by his family, but by all. His words of encouragement, his never ending labor, his energy, his enterprises will long, long be remembered. His untimely taking off has thrown a gloom of sorrow over our community. All appreciate his goodness, and all sincerely mourn his death. — Free Press.

The story of the murder and the later investigation can best be told by an article that appeared in *The Cairo Daily Bulletin*. Their publication of July 2, 1878 had the following:

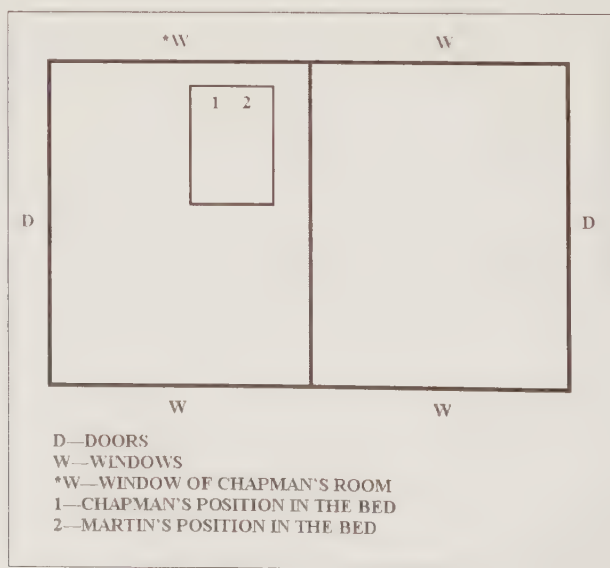
## THE ASSASSIN'S WORK

FRANK J. CHAPMAN FOULLY MURDERED AT FORMAN

Shot and Killed While Asleep in Bed By Parties at Present Unknown

Revenge or Fear Believed to be the Motive Inspiring the Deed — Rumors, etc.

Forman, in Johnson county, was the scene. Sunday morning, of an assassination that has few equals in the annals of crime in Southern Illinois. At present mystery surrounds it; but circumstances are coming to light that will certainly dispel the darkness in which it is enshrouded and reveal a state of things that will amaze the most credulous. At about 1 o'clock on Sunday morning, Frank J. Chapman was sent into eternity by a bullet fired from a pistol in the hands of a person at present unknown. To give, if possible, an idea of the house in which the murder was committed, the attention of the reader is directed to this diagram:



This house is a common wood structure, box shaped, located on the southeast base of the hill on which the town of Forman is built, and about sixty yards from what is known as the old mill. It stands out alone on the ground, and is without protection of a fence. In the house, are two rooms, separated by a common board partition. The room indicated in the diagram as containing a bed, was occupied by a Norwegian named Martin; in the employ of Chapman, and Chapman himself. The other room was occupied by Mr. S.P. Jackson and his wife. The window sills of the house would reach to the chest of an average-sized man standing flat footed on the ground surrounding the house. On Saturday evening after dark both Martin and Chapman were in their room. About ten o'clock Martin went to bed, leaving Chapman sitting in a chair reading a newspaper. About eleven o'clock Chapman laid aside his newspaper and left the room. Martin thinks he was gone not over three quarters of an hour. When Chapman returned, he too went to bed, and, as was his custom, left the lamp dimly burning. Martin knows nothing more until he was aroused by the sound of the pistol shot. He found the room in utter darkness, got out of bed, struck a match, lit the lamp, and found Chapman lying motionless and unconscious, the brain oozing from his head. The ball — 38 calibre — entered the brain at a point on the top of the head above the right ear, and ranging downward lodged in the region of the right nostril. It was cut out by Dr. Geo. W. Bratton of Vienna. Mr. Chapman lived until 4 o'clock, but in those three hours showed no sign of life. The shot had paralyzed him. Martin ran to the store, about sixty yards off, and waked Messrs. Morris and Boren — the latter Chapman's nephew — informing them of what had occurred. They, of course hastened to the spot, and found Mr. Chapman in the condition described. An examination of the premises revealed the fact that the party who had done the shooting was short in stature, as a block about a foot in length, was found under the window sill of Chapman's room; this block enabled the assassin to reach within the window, pull aside the mosquito netting over the bed and [Print is not readable in a small section here. The only words recognizable are: ...Mr. C... ...or flesh was not burned by... ...the window sill showed... ...been scorched. Martin... ] ...was put out by the concussion produced by the shot; but others assert that this could hardly have happened, as the table on which the lamp was burning, was two or three feet from the bed, and not in the direction of the shot. Whatever tracks had been made in approaching and departing from the house were obliterated by the rain which subsequently fell. Jackson and his wife did not hear the shot. These embrace all the circumstances of the killing itself.

When it became noised abroad, the greatest excitement prevailed, and continued from Sunday morning up to last night at eight o'clock. A coroner's jury was summoned and a very large number of witnesses examined, but nothing was elicited that would furnish a tangible clue to the perpetrator of the dastardly act. Mr. Chapman was about 48 years of age, did business in Vienna, Carbondale and other points in Southern Illinois, but at the time of his death, was devoting his attention mainly to the interests of the Chapman Lumber Mill Company, of which he was President. He was also senior member of the firm of Chapman & Hess —



well-known in Southern Illinois for upward of twenty years. His family consists of his wife and six children. Four of the latter are grown. Opinions differ largely as to his personal character. He was of the kind of men who make warm friends and bitter enemies; but as to his capacity for business and his enterprise in conducting it, there is but one opinion – he had very few superiors.

Now as to rumors in circulation. The one which has gained the most credence, and which has an air of probability is this: We give it as it is current in Vienna and Forman. It is said that a relative of Chapman has been on intimate terms with a girl residing in Forman; that this intimacy has extended over a period of about three years; that Chapman had frequently expressed his displeasure at it; that on last Saturday he told his relative that he must either quit the girl or quit the business in which he is engaged as partner, it is said, of Chapman's; that the nephew, so the story goes, told the girl of this at an interview they had about eleven o'clock Saturday night; that she has had access to the relative's apartments. This, be it remembered, is but street talk up there. Here is what gives importance to it. This girl's father is a doctor, who was unauthorized to practice medicine in this State. Chapman, supposing that by getting rid of the father, he would rid the town of the girl, too, had him prohibited from practicing medicine, and he left there a few days ago. The pistol of the relative is missing; the last he saw of it was under the pillow of his bed, at four o'clock Saturday afternoon. That pistol carried a 38-calibre ball – the same as that cut from the face of Chapman. The pistol can be found nowhere. The person who did the shooting must be familiar with the premises, and was short in stature. Of course strong inferences are drawn from this, but no action has yet been taken by the authorities looking to the arrest of any one. We might fill THE BULLETIN with other rumors, but give only this one, as bearing the outward sign of having something in it. Johnson county is on the eve of giving to the country some extraordinary disclosures.

The perpetrator of this crime was never found. As late as 1881, the reward for information was never collected. The *Decatur Review*, a Decatur, Illinois newspaper published the following in their May 6, 1881 issue:

The Governor has offered a reward of \$200 for the arrest of the murderers of Frank J. Chapman, who was killed at Foreman, Johnson county, on June 30th, 1878.

Franklin J. Chapman is buried in the Oakland Cemetery at Carbondale, in Jackson County, Illinois.

## 1879 – SHOOTOUT AT WEST EDEN Dock Bond's son killed

The West Eden Community, between modern day Cypress and Belknap, is one of the oldest settlements in the State of Illinois. The earliest citizens were living there before Johnson County was created in 1812. The settlement, sometimes known as Lincoln Green, was always known as a quiet and

religious community. That recognition was shaken one day in August in 1879. The story can best be told by reading the newspaper articles of that time.

The first article appeared in the August 29, 1879 edition of the *Johnson County Journal*:

We were startled at a report from the vicinity of West Eden, last Tuesday, that a man by the name of Bond had been shot and killed on Monday night, and that suspicion pointed to a number of highly respectable citizens of that place as the perpetrators of the crime. Several parties were arrested on Tuesday, but after a preliminary investigation before Esq. Bishop, conducted on the part of the accused by A.G. Damron, the parties were acquitted. A.J. Mercer and Cal Hodge have fled the state...

The following weeks news brought more details of the event at West Eden:

#### THE TRAGEDY AT WEST EDEN

We, last week, gave a synopsis of the affray in West Eden, resulting in the killing of Bond. Further inquiry shows, substantially, the following facts: Last spring a family by the name of Bond, consisting of the father and head of the family, a man about 55 years old; his wife, about 45; two sons, both young men; a daughter, and her husband, whose name is Wright. The son who was killed was a married man. This family has wandered about a great deal from place to place during the last ten years, stopping at one place no longer than a few months at a time. Report goes that, soon after stopping in the neighborhood the Bond family began a series of petty thefts and depredations upon the community. A few days ago, Dock Bond entered the watermelon patch of Jack Mercer, and while in the act of stealing a melon, was shot at by Mercer. But a few days elapsed until Mercer was shot at by some one in ambush, the ball barely missing his head. He (Mercer) was in his own melon patch at the time. Of course suspicion fell upon Dock Bond, and he was seen no more in the neighborhood and no doubt left the country at once. A writ was sworn out by Mercer, and several ineffectual attempts made to arrest Bond. On the night of August 23, quite a number of persons went to Bond's house and inquired for Dock Bond, and on being informed that he was not there, they left; telling the old man Bond, however, that if he did not leave by the next Sunday night they would hang him. The old man did not leave, and on Monday night, following, four men were seen by the Bonds in their front yard. Some inquiry was made by some of the party if Dock Bond was there, and they were told he was not. The family had loaded all the firearms they had, ready for the conflict, being two guns and a pistol. Some other words of no importance were passed, when the firing began. A volley was poured into the house by the mob, and again the old man returned the shot. In the course of the fight young Bond fell, mortally wounded in the abdomen. The crowd dispersed and the shrieks of the Bond family brought the neighbors to the scene of blood. This occurred about 9 o'clock p.m. The next day the old man got out writs for a man named Biniard, one named \_\_\_\_\_, also Jack Mercer and Robert Norvell. Biniard was released by the directions of Bond, Mercer escaped from the officer who had him in charge and Norvell was tried before Esq. Bishop and proved an alibi, and was released. No other

arrests have been made. The Bond family passed through Vienna last Thursday, and stopped just beyond the depot on the Golconda road. We understand they have since gone on their way, no one knows where. It is rumored that a young man named Cal. Hodge was shot in the melee, and slightly wounded. He has left the country. It is also rumored that John Axley and Robert Norvell have left, also.

The September 12th issue of the newspaper carried an article debating the number of shots fired but ending with the statement: "It is also thought that the old man will not come back lest too much might be found out about him, as they boasted of having killed several men before coming here."

Court records are few concerning this case. A Grand Jury indictment against Dock Bond was brought against him for attempted murder of Andrew J. Mercer on October 1, 1879. The assault to murder charge against Dock Bond was stricken from the docket on November 4, 1880, most likely because he had left this area of the country.

Robert Norval, Elbert Norval, Calvin Hodge and Andrew J. Mercer were indicted for manslaughter, the charge stemming from the death of the younger Bond. The November 1881 term of the Court in Johnson County ordered that the cause be stricken from the docket with leave to reinstate the case of Manslaughter against Robert Norval, Elbert Norval, Calvin Hodge and Andrew J. Mercer.

Nothing more is known about the case or about where the Bond family went to after the incident. West Eden returned to its normal way of life before the Bonds came to live in their community.

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### **1879 – CHANGE OF VENUE FROM PULASKI COUNTY Esther Meacham and Morris Howard killed James Meacham**

A Pulaski County neighborhood was aroused late on the night of September 7, 1879. The scene was at a residential house near the railroad that ran between Mounds and Mound City, the home of James and Esther Meacham and their children.

Between 10 and 11 o'clock PM, James Meacham was shot in the head while he was asleep in bed. Early reports said that his wife was sleeping beside him when this incident happened. Almost immediately, stories began to come forward that Esther Meacham and another person were the ones who shot James. Evidence that James Meacham had a sizeable life insurance policy of \$1500 and an inheritance from Dr. Arter, the owner of their home, when he died, fueled many rumors.

Other clues were that their rather ferocious watch dog made not a sound before or after the incident, ruling out an intruder. The young children in the home said that they heard Mrs. Meacham and someone else going up the stairs after the shot was heard, the bed in which Meacham was murdered being on the ground floor. Rumors were that Mrs. Meacham supposedly held a candle so the hired man, who lived in the house, could see to shoot James Meacham.



Testimonies from others included reports that the hired man, James Young, had had problems with Meacham and swore that when he got the opportunity, he would kill Meacham. Another report was from a man who sold a pistol to an unnamed man who wanted it loaded and asked if it was powerful enough to kill a person. When the weapon was found, it had only one chamber fired.

Mrs. Meacham and the hired man, James Young, were arrested for the murder and taken to jail. Failing to bring bond, they were kept there. Mrs. Meacham was soon released to stay in her home with her children under guard of two officers.

The Meachams were recent arrivals to Pulaski County, having come from Tennessee. James Meacham was well liked by his neighbors while Esther was not as well received. This could be a reason she was unable to raise bond for her release.

Before Mrs. Meacham was brought to trial, evidence changed so that her accomplice was named as her grown son, Morris Howard. Without specific evidence from Pulaski County, the reason the trial being changed to Johnson County is unclear. The change of venue appears to have been a last minute decision by the Judge.

The Meacham and Howard trial came to Johnson County in November 1880. No records exist to make known what evidence was brought or what testimony was discussed. Regardless of the lack of these records, the *Cairo Daily Bulletin* brought the news of the verdict in their November 20, 1880 edition.

Found Not Guilty - A dispatch received by W.C. Mulkey, Esq., last night, conveys the intelligence that Mrs. Esther Meacham, and her son, Morris Howard, were acquitted of the charge of murder yesterday evening after the jury had consulted for one hour. The case was tried at Vienna - a change of venue having been taken from Mound City on Tuesday last. Messrs. Mulkey, Robarts and Spann appeared for the defendants and to their efforts in great part must be attributed the acquittal of the accused.

Score one more acquittal for a Johnson County jury. Perhaps the reason for many wanting to bring their cases to Johnson County was, regardless of the evidence, the accused had good reason not to worry.

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## **1879 - SHOT BY A POSSE**

### **John Dougherty shot while committing a crime**

A news article appearing in the September 26, 1879 edition of the *Johnson County Journal* contained the following:

A young man by the name of John Dougherty has been engaged in petty larceny for several weeks in the settlement South west of this place. His plan of operation was to watch as opportunity when the houses were left alone. He would then enter and get such articles as he wished, and then elope. The repetition of these raids became so numerous and in

such close succession that the citizens determined to put a stop to it. So a writ was issued and placed in the hands of an officer for his arrest, and on last Saturday the officer, with a posse of citizens, came upon him, when he started to run and was shot in the back by one of the posse, from the effects of which he is expected to die. He was brought to this place Monday, and placed under medical treatment.

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### **1880 – A MAN SHOT AT FORMAN**

#### **France Clay and Bud Reynolds charged**

No court documents have been found for a shooting that happened at Forman. The only information available about the incident is a short note in the *Johnson County Journal* of January 23, 1880.

Sheriff W.C. Allen and James Chapman took France Clay and Bud Reynolds to Cairo, and put them in jail, last Wednesday night. Reynolds was sent to jail, in default of bond, for shooting at a negro some time ago, at Forman.

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### **1880 – FEUDING NEIGHBORS**

#### **Stephen Copenhefer killed William R. Hodge**

The *Johnson County Journal*, published in Vienna, ran a headline article in its June 18, 1880 newspaper. It best tells the story of an incident that happened between neighbors on June 15, 1880.

#### **COPENHEAFER'S CARTRIDGE**

Crashed Through the Heart of William R. Hodge

Killing him Instantly

Full Particulars of the Tragedy

The community was startled on last Tuesday morning by the assassination of William R. Hodge, an old citizen, residing some six miles West of Vienna, in Buncombe township. The facts as we have been able to learn them are substantially as follows:

An old grudge has existed between the deceased and old man D.J. Hutton, and between their families respectively, for a long series of years. What was the original cause of this ill feeling we have been unable to ascertain, nor is it important to know. Hodge and Hutton, at the time of the killing, resided upon adjoining farms, only separated by a narrow lane. The parties have of late frequently quarreled and quarreled bitterly, their last quarrel having been only a few days - perhaps one day before the fatal catastrophe. About two or three weeks ago a man by the name of Copenhefer, said to be a nephew of old man Hutton, turned up in the neighborhood; his home being in Kentucky, near Joppa Landing. He soon espoused the quarrel for his uncle, and was present and participated in the row above mentioned. On Tuesday morning old man Hodge and several of his family went out into their corn-field, and were engaged in pulling up weeds and cleaning out the young corn. Just across the

lane, on the Hutton farm, one of the sons of old man Hutton was engaged in plowing corn for his father. Shortly after the deceased and those with him had begun work, old man Hutton and Copenhefer came near to where Hutton's son was plowing, which was in speaking distance of the deceased. They at once began to jeer at the deceased, and Copenhefer called him some very hard names and dared him to cross over into Hutton's field. Being a man of personal courage he quitted his work and started for his challenger. He got over into Hutton's field and was approaching Copenhefer, when the latter, who was armed with two revolvers, leveled one of them at the deceased and fired, the ball penetrating his breast. Two other shots were fired by the assailant, when Hodge almost instantly sank to the ground and breathed his last. Hutton remarked "we will go to the house now," and they immediately left the bloody scene.

Copenhefer immediately fled the country, and up to this writing has not been arrested. The entire Hutton family have been arrested. This is a sad affair, and the perpetrator of this dastardly crime should meet with ample punishment.

The Hodge family are being rapidly thinned out by the bullet of the murderer. Only about a year ago a son of the deceased was shot under similar circumstances.

#### ANOTHER VERSION

There is still another version of the Hodge killing, that we have heard since the above was put in type. It is briefly this:

On the morning of the killing, and just before it occurred, Alex. Hodge, a son of the deceased, went to the field of old man Hutton, where one of his sons, called T. Hutton, was plowing, and deliberately shot at the latter; the ball passing through the brim of his hat. Old man Hutton, who, with his daughter and daughter-in-law, was working about 100 yards from where this shooting took place, heard the pistol shot, and ran down to where T. and Alex were. About this time the deceased came running up, and yelled to his son Alex, to attend to T., and he would lay out the old man. The deceased had in his hand an immense club, and started for old man Hutton, who retreated. In the meantime, Copenhefer, who was at the residence of Hutton when Alex. shot at T., as it is supposed, heard the firing, and at once started for the battle ground. He arrived upon the scene just after Hutton started to retreat, when another pistol shot was heard to proceed from the pistol of Alex. Hodge. About this time Copenhefer presented his pistol and fired upon the deceased, killing him instantly. All parties at once left the grounds.

Stories abounded about the death of Hodge. Reading the two versions in the *Johnson County Journal*, it is difficult to determine which is correct. The second story seems more of a story made up to cover the actual event. Not having all the information, it is difficult to know which is correct. The second version may be the true story. Depending on which side of the feud persons were associated made a difference in which version they believed. Throughout the news and trial, Copenhefer's name was misspelled or misunderstood several times. The *Goleonda Herald* gave additional facts regarding the feud:



William R. Hodge and J.D. Hutton, both well-to-do, respected citizens of Johnson County, old acquaintances and neighbors, brother Masons as well as brothers in the Baptist Church, became involved in a bitter personal controversy growing out of a church trial. Bad blood had existed between them for some time, and while disputing on Tuesday morning, a young man named Coopenhaver, a nephew of Hutton, walked up to where the old men were standing and shot Hodge through the heart without a word of warning. Coopenhaver fled, but was closely followed by the sheriff who lost track of him at Columbus, seven miles west of here. He is easily identified, having but one hand, and will undoubtedly be captured. Coopenhaver has been in the neighborhood but a short time, and it is claimed by Hodge's friends that he had been brought there by his uncle for the express purpose of committing the murder, which he accomplished on Tuesday morning last.

After the shooting, Stephen Copenheffer left the country and could not be found. It was supposed that he might go through Cairo sometime in his escape but if he did, he eluded authorities there who were on the lookout for him. Governor Cullom offered his standard reward for a fugitive, \$200. The reward notice appeared in the *Decatur Daily Republican*, dated July 10, 1880. It gave the description of the fugitive as 5 feet 7 or 8 inches high, weighs 140 pounds, had dark hair and beard, light complexion, and has right hand off at or near the wrist joint. The sheriff of that county thought he had seen the man a few days previous but was unsure.

Copenheffer remained a fugitive and no local newspapers could be found that announced his arrest. The *Cincinnati Enquirer* (of Cincinnati, Ohio) published the following on November 23, 1881:

Stephen Cappelhaffer, who is said to be a fugitive from Illinois justice, was placed in jail this morning by the Jailer of Pulaski County, who found him in Wayne County under circumstances that warranted his arrest. The prisoner has but one hand, and is charged with murder in Johnson County, Illinois. The Sheriff of Johnson County was here this morning, but took the Knoxville bound train for Pulaski County, and missed meeting the prisoner.

Coppenheffer may have been a difficult man to find and arrest but he was an equally difficult prisoner to hold in the jail at Cairo in Alexander County. The *Cairo Daily Bulletin* published the following on January 8, 1882:

## AN ATTEMPT TO BREAK JAIL

Coppenhaffer, One of the Johnson County Prisoners, Attempted to Saw His Way Out of the County Jail.

Fridy night, about ten o'clock, Mr. Michael Fitzgerald, and his brother, John, sons of County Jailer Richard Fitzgerald, after having made a round of the jail to see that all was well with the prisoners and the premises, retired to their room for the night. They had lain in bed about an hour and Michael, the oldest, was just dozing off in a gentle slumber, when a slight rasping noise fell upon his ear. Having had some years of experience in the care of prisoners in the county jail, he is quick to detect any unusual noises and always alert and ready for action when any such

occur. He aroused himself and brother immediately, and telling his brother to follow, made for the cells from one of which the sound came. He opened the hall door gently and listened a moment until he had located the sound, and then, sneaking up to the door of the cell from whence it came, he suddenly thrust a revolver through the grating and commanded the would-be fugitive from justice to move not a muscle, or he would be hurled into eternity by means of powder and ball. The prisoner obeyed the order promptly and explicitly, he stood perfectly quiet until Michael had opened the cell door and took from his one hand a file about twelve inches long and from the other a little double-toothed saw, made out of a common steel table knife, several inches of the point broken off, leaving a stout stub of about four inches in length to the handle. Into either dredge of this short, stout blade tiny teeth had been filed with one corner of the large file, which were yet quite sharp when the same was taken possession of by Mr. Fitzgerald. The saw was also very bright from recent use.

Upon examination of the bars in the door, which are half an inch thick and two inches wide, it was found that one of them had been sawed half way through, and it would have taken but a few hours of diligent work with the splendid tools in use to have cut three or four of the bars in two. Besides Copenhoffer, who was brought here by the sheriff of Johnson County for safekeeping until he shall be tried upon the charge of murder, there were two other prisoners in the cell – two cattle thieves. Their scheme was nicely failed and their ardent hopes of escape rudely blasted by the vigilance of young Michael Fitzgerald.

The above story is quite interesting but unless Copenheaper grew another hand while in the county jail, he could not have had a file in one hand and another utensil in the other. Whether he tried to escape or the story was not true, accounts that he had made several attempts to escape were reported. He was finally brought to Vienna for trial on the 10th of April. A report of the trial proceedings was published in the April 29, 1882 edition of the *Jonesboro Gazette*:

#### STEPHEN COPENHEAPER'S TRIAL

Special Correspondence of the Gazette.

Vienna, Ills., April 19 – Stephen Copenheaper was arraigned before the circuit court in this city on the 10th inst. To answer a charge against him for the murder of William R. Hodge, six miles north of this place on the 13th of June, 1880. After some two days hard labor, a jury of 12 good men was empanelled, and the examination of witnesses began. As there were about twenty witnesses to be examined it took up over four and a half days time. The concluding evidence was that of the defendant, taken on Monday of this week, after which states' attorney A.C. Damron led off in a four hours speech in behalf of the people, and was followed by J.M. Damron and Hon. D.T. Linegar, of Cairo, for the defense, who handled the case with all the energy they possessed. Hon. William A. Spann, one of Jonesboro's boys closed the argument today in a seven hours talk in behalf of the people. He took up the evidence as given by each witness, and laid it before the jury clearly. The jury received the in-

structions of the court and retired to their room. The general opinion is that the jury will disagree.

LATER – The jury just now came in with a verdict of not guilty.

However Stephen Copenheaver spelled his name, he was a free man. Nothing more was heard from him in Johnson County.

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## **1881 – CONTINUED CONFLICT INCITES SHOOTING**

### **Marshall Roberts killed John Adams**

The *Johnson County Journal* of September 9, 1881, carried the following story:

HOMICIDE – On last Wednesday a difficulty ensued between John Adams, son of Wash Adams, and Marshall Roberts at a wheat threshing in Goreville Township, which resulted in Adams' death. At the time of this writing we have not learned the cause which led to the mortal combat. We were informed that Adams assaulted Roberts several times with a horse yoke and drove him from the premises. Roberts soon returned with a double barrel shot gun and emptied the contents of one of them into Adams, which produced immediate death. Roberts made his escape and is still at large and as this county has no sheriff it is quite likely he will remain so.

The details of the incident that precipitated the shooting on August 31 or September 1, 1881, will remain a mystery because the court record does not reveal the information. A search of local newspapers did not reveal anything but the article printed in the *Journal*.

Court documents further reveal that Marshall Roberts was also indicted for Assault to Murder upon George W. Adams. The incident happened on July 1, 1881. This may give reason behind the conflict between John Adams and Marshall Roberts because John was the younger brother of George W. Adams. The respective ages of George W. and John being 24 years and 23 years in 1881.

According to the news article, John Adams had assaulted Marshall Roberts by hitting him on the head with a breast yoke. The reason for the assault on Roberts was not given but was possibly because of the previous assault that Roberts had made on the older Adams brother. Court evidence appeared to show that because of the injury done to him by Adams, Roberts, in the heat of passion or anger, reacted by shooting Adams.

The case was supposed to go to court in November 1881 but the defendant requested a continuance because one of his attorneys, W.A. Spann was also a State Legislator and the Legislature was in session at that time. The case was allowed a continuance.

When the case finally came to court, at an undetermined date, Roberts was convicted. The court verdict was "We, the jury, find the defendant guilty and fix his term of imprisonment in the penitentiary at one year." Roberts was convicted of manslaughter but not murder. He was sent to the



penitentiary at Chester for the term of one year, being released in March 1884.

When he returned from his confinement, he still faced the charge of assault against George W. Adams. That case was scheduled to be brought to court in April 1884. A continuance was requested by Roberts because he had just returned from prison three weeks earlier and when he returned home, he became seriously ill and was confined to bed until just recently. Leaving his home in Williamson County after his illness made him physically unable to attend court when he arrived in Vienna. A continuance was granted.

Court was again scheduled for the November term of 1885. Roberts requested another continuance because his wife had been ill for some time and bedridden. They had a five year old daughter who was too young to care for the mother while Roberts was away at court. The child had also been injured from being thrown from a runaway wagon and was seriously injured and in imminent danger of death.

The trial in this case came in April 1883 with the jury returning a verdict as follows: "We the jury find the defendant guilty and fix his term of imprisonment in the penitentiary at one year."

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#### **1881 – A STABBING MEANT TO KILL** **Ira Coats stabbed Joseph Venable**

A violent incident which had every intention of murdering another person is the case identified here. According to a Grand Jury indictment for attempted murder, Ira Coats stabbed Joseph Venable on December 24, 1881.

Nothing is known of this incident and no further details are available in the court records other than the jury's verdict: "We the jury find the defendant not guilty."

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#### **1882 – DEATH OF AN INFANT** **Elizabeth Randolph & Elizabeth McGinnis charged**

The Grand Jury of the November Term of the Johnson County Court brought an indictment for Murder against Elizabeth Randolph and Elizabeth McGinnis. According to the report, the incident happened on May 1, 1882. The indictment came on November 21, 1882.

Documents, though sparse, indicate that the two women had murdered an infant female child. Not indicating the age of the child, it was probably a recently born infant that may have been unwanted. No name was given to the infant. The manner of death was unknown except that it had by some instrument, been injured in the belly and leg to an extent that it died.

Subpoenas were issued for court to begin on April 4, 1883. Witnesses summonsed to attend that court were: James L. Ferguson, Margaret Sheerer, Mrs. Elizabeth Walker, Dr. Pollard, Anna Casper, J.T. Mozley and W.S. Davidson.

No other information is available in the court record file. The case was stricken from the docket on April 3, 1883.

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## **1882 – INFANTICIDE**

### **Rosetta Callahan & Matilda Hitchcock charged**

Rosetta Callahan and her mother, Matilda Hitchcock, were arrested in early June 1882 and taken to the Alexander County jail at Cairo from Vienna on a charge of Infanticide. According to a Grand Jury report of the November 1882 Term of the Johnson County Court, they had killed a newborn baby girl on June 3, 1882.

According to the Grand Jury indictment for Murder, Rosetta Callahan was the mother of the child and she was a single woman. From other records, it can be discerned that Rosetta, then Hitchcock, married William Callahan on November 1, 1874. He is listed as William Calhoon on the marriage record, which is in error. From the census of 1880, the following may be determined:

William Callahan was 35 years old and the head of the household, listing his occupation as a farmer. The family lived in Cache Township. Rosetta, his wife, was 23 years old. They had two daughters, Lula, age 4; and Ella, eleven months old. Living with the family was Matilda Hitchcock, aged 60, listed as a widow.

In 1882, Rosetta was a single woman again with two children. Her former husband was absent for reasons unknown. She was about 25 years old and her mother was about 62 years old. A news report says that the child born on June 3 was illegitimate, thus setting the stage for a reason the two women might end the life of the newborn. How the news got out is unknown. Reports are that the infant was found outside of the house they lived in and that it bore signs of violence.

The case came to trial in the November 1882 Term of the Johnson County Court. It appears that it was difficult to fill a jury in the case. Three jurors are listed at the top of the list, T.M. Warren, Wilburn Stevens and A.T. Mozley. Five jurors are listed as being added on Friday, T.B. Stewart, D.J. Collins, W.J. Fort, Isaac Slack and J.E. Hunsaker. The final four were added on Saturday, Pleas Thacker, J.M. Taylor, J.N. Walker and Steven Gray.

No information of what was said at the trial exists today. When the case went to the jury, they returned a verdict on November 19th. "We the jury find the defendants Matilda Hitchcock and Rosetta Callahan guilty and fix their punishment at imprisonment in the penitentiary for the term of fourteen years.

According to Court documents, the two women were sent to the penitentiary at Chester, Illinois. No evidence of their imprisonment is available. Rosetta would be about 39 years old when she was released and Matilda, her mother, would be about 76 years old when she was released.

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## 1882 – WHO KILLED JAMES W. BAYLES

James W. Bayles was one of those persons that was well-known in and around Vienna. The 61 year old Virginian, by birth, had come to Illinois sometime before 1850, settling on a farm about three miles southeast of Vienna on what is now known as the Old Metropolis Road. He was a bachelor and had acquired an amount of money in his lifetime that was the envy of most of his neighbors. He was the type of person that people went to when they needed to borrow money.

The morning of June 6, 1882, brought the news that he had been murdered the night before. The *Decatur Daily Republican* of June 7, 1882 reported that they had heard from Cairo, Illinois on June 6th with the following news:

Cairo, Ills., June 6 - This morning a farmer named J.W. Bayles, about 50 or 60 years of age, living about three and half miles from Vienna, Ill., on the Wabash railroad, was murdered.

The brother of the deceased, Bernard Bayles, came immediately to Vienna upon hearing the news. The *Cairo Daily Bulletin* was the first to report details of the murder in its June 17, 1882 edition:

Bernard Bayles, brother of James W. Bayles, who was so brutally murdered for his money about three miles from Vienna on the 5th ins., offers a reward of one thousand dollars for any information leading to the capture of the murderers. He thinks that Governor Cullom will offer two hundred dollars more. The crime was a most horrible one. Bayles was an old bachelor who had lived for years in the house in which he was killed. From the condition of things in the room where the body was found, it is judged that he was tied hands and feet, placed in a chair and tortured by holding a lamp under his bare feet which were burned to a crisp. This was probably done in order to make him reveal the whereabouts of his money, and refusing to do this his head was split with an ax, which was also found on the floor near the corpse. The murderers left two very dirty bandana handkerchiefs and a pair of sheepskin gloves. They are thought to have carried off about five hundred dollars of the man's money.

Bernard Bayles spent several days around Vienna trying to find information on the murder and settling the affairs of his brother's estate. A Vienna newspaper, the *Vienna Times*, was being published at that time but no surviving copies exist today.

The *Cairo Daily Bulletin* of June 24, 1882 carried the following which had been published in the *Vienna Times*:

Mr. Bayles the other day found in the hollow of a log near the house of the late Mr. James Bayles, gold coin to the amount of some two or three hundred dollars. There is no telling how much money the deceased may have hid in like places, he having been so suddenly removed by murderous hands, that the whereabouts of his treasure could not be obtained.



The news of the murder of James W. Bayles was reported widely in Illinois. *The Belvidere Standard* (Belvidere, Illinois) reported the murder in their June 27, 1882 edition. In addition to the gruesome details of the murder, they published the following:

Two men named Bridges and Sanders had been arrested on suspicion, and two boys named Church were suspected of having been in the gang also. Cayless had been in Vienna the day before and was paid some money. He had loaned part of it and was supposed to have a large amount left. ["Cayless" is probably a typo for Bayles.]

The *Jonesboro Gazette* of July 5, 1882 published the following: "Thomas Church, one of the murderers of old man Bails in Johnson County, was arrested here today, and confessed the crime."

The *Cairo Daily Bulletin* followed this news with their publication of July 8, 1882:

#### Murderers Captured

The brutes who committed the horrible murder of old man Bugles, near Vienna, Johnson County, a short time ago have all been captured. There are four in number and were the immediate neighbors of their poor old victim. Three of them were under arrest immediately after the murder, but were released because no evidence against them could be obtained. Another neighbor arrested yesterday, who was led to believe that evidence against him was sufficiently strong to convict him, confessed the crime, implicating the three who had been previously arrested and released. All four are now under arrest and will be either mobbed or tried according as the people of Johnson County are satisfied or dissatisfied with the administration of the criminal laws in that vicinity.

The *Jonesboro Gazette* published the following on the same date, July 8:

Mr. John E. Hunsaker of Vienna passed through town on Wednesday night having in charge one Tom Church, who confesses to being implicated in the killing of old man Bayles, a short time since. His confession fixes the crime on two or three persons who were suspected, and who he says went in the house and did the work while he staid out doors to watch. Our friend John had been on track of Church from the first, finally locating him near Wetaug, and on Wednesday went down in company with Dick Baggott and arrested him. There is a reward of twelve hundred dollars offered for the murderers of Bayles, one thousand of it, by Bayles brother, and two hundred by the Governor of the State.

Thomas Church, who lived near to where J.W. Bayles had been murdered, did make a statement implicating himself and others in the murder. The court records do not reveal what that statement might have said or who his accomplices were. He had evidently made a statement to officials and had then recanted his statement. To pressure him into verifying his statement, he was charged with perjury.

Most likely, Tom Church knew that if his confession stood, he would receive either the death penalty or life in prison. Weighing the possibilities, he accepted the charge of perjury as having the best outcome for him. Without his statement, even though it contained information that named oth-

ers, there was no conclusion to the case. There was no evidence connecting anyone with the crime other than Church's statement.

The November 1882 term of the Circuit Court record says that Thomas Church was sentenced to eight years in the penitentiary for perjury. He was delivered to the Illinois Penitentiary at Chester. Church, most likely, accepted the sentence as a good deal.

The case had been solved but no person could be convicted for the murder because of a lack of evidence. The only recompense for those who sought justice in this case was that Tom Church had gone to prison to keep his secret.

Researching who the others might have been that were implicated in the murder, the following incident was uncovered. *The Cairo Daily Bulletin* published the following in its January 26, 1875 edition [Note: J.W. Bayles was mistakenly identified as "Boyles.":

**FIRE AND ROBBERY** – From Sheriff Irvin, we learn the following particulars regarding the burning and robbing of the residence of Mr. James W. Boyles, of Johnson county: On August 14th, Mr. Boyles, who lives on the Metropolis road, four miles from Vienna, left in the morning to go to Vienna. He walked to town, but returned in the Metropolis hack, about 10 o'clock the same morning. When he reached home, he found his residence nearly burned to the ground. Mr. Boyles is a bachelor, and lived alone. There being no cause for the accidental burning of the house, suspicion was directed to two young men who were working in the neighborhood, named William and Alfred Bridges, from the fact that the former, on the morning of the fire, had been wounded by a shot from a gun, which took effect in the thigh, and claimed that an attempt had been made to assassinate him in the woods. This was considered very improbable, from the fact that he is but seventeen years of age, and his movements as well as those of his brother, were closely watched up until last Friday night, when Alfred, in company with a man named Perry Bridges, but no relative, however, suddenly discovered Mr. Boyles had in the house at the time of the fire, about fifteen hundred and sixty dollars in currency, besides three watches and two one hundred dollar Johnson county bonds. Mr. Boyles, by hard work, managed to recover five hundred dollars of the currency, which was concealed in a part of the building which had not up to that time been reached by the flames, and which had been overlooked by the thieves. Some of the articles stolen from the house were afterward found concealed in the woods close by, but the money and watches have never been brought to light. When the two Bridges left Vienna Friday night so suddenly, the sheriff of Johnson county telegraphed to Sheriff Irvin that they had taken the train on the Cairo and Vincennes road for Cairo, and that he should be on hand to receive them, but the description given was so bungling and unsatisfactory that it was impossible for him to detect them. The sheriff of Johnson county and a deputy sheriff came down to this place, on Saturday, and after scouring the city in company with Sheriff Irvin and Deputy Sheriff Caine, returned without bringing the thieves to light. They are convinced that the guilty parties were in this city Saturday night, but where they went to from here, is the question that is now puzzling their brains.

The *Cairo Daily Bulletin* of January 27, 1875 published the following:

CAUGHT

From Sheriff Irvin we learn that the two men named Bridges, who were suspected of robbing and burning the residence of Mr. Boyles, who lives near Vienna, Johnson County, were tracked to DuQuoin by Sheriff Carter and a deputy, arrested at that place Monday afternoon. They confessed to having robbed the house and then setting fire to it, and returned to the officer four hundred and sixty-five dollars. They say that when they got possession of the money, they hid it in a stable, and that when they went to get it, found that over two hundred dollars had been destroyed by mice. The money which they returned to Sheriff Carter was also nibbled about the edges, but is not injured enough to make it impassable.

More news from The *Cairo Daily Bulletin* of March 17, 1875:

The Bridges boys, who escaped from the Johnson county jail at Vienna, last Wednesday night, have not yet been recaptured, and it is thought that the officers now in pursuit will have a lively chase before they come up with the boys, if indeed they get them at all.

The articles above named William and Alfred Bridges as the perpetrators of the burglary and arson. The case in the court records identifies the two criminals as William Bridges and Perry D. Bridges. Research has not revealed why these two were named differently in the court record and the news article. The court records, most likely being the most accurate, have more credibility than the news article.

There are several court records that name two Bridges boys, Alfred and Dallas, as well as Perry D. and William Bridges. It is difficult to determine if these people are connected or if they may be the same persons. Some of the Bridges boys were habitual criminals. This is backed up by the following articles from various dates.

From the *Vienna Artery* of October 11, 1871:

BURGLARY

Mr. Dallas Bridges, who was arrested for horse-stealing and was out on a bond, took it into head to supply himself with a new suit of clothes and some small change; so on last Saturday night he broke a window light in the store of Samuel Hess and crawled through; but Mr. Joe Gibbs who was going home saw the gent going in and informed Capt. Perkins and word was sent to Col. Hess who soon arrived and the party entered and found the gentlemen under the counter, with some seven or eight dollars in his stocking leg, and three or four coats and a pair of boots all ready to take away. He had his trial before their honors Wiley and Smith and was committed to jail in default of bonds to the amount of \$1500. We think Dallas stands a good chance under the two counts, for five or six years, and we do not see that our authorities could do any better than to take care of him for he is getting to be a dangerous customer.

When the boys will not behave and act as they should then the law should be enforced.



*Vienna Artery* – January 6, 1872

Dallas Bridges, charged with burglary, tried by jury and sentenced to the penitentiary for three years, the first week to be spent in solitary confinement.

From the *Johnson County Journal* publication of November 23, 1877:

Alford and Dallas Bridges, who have been in the penitentiary over two years, returned to Vienna last Friday. By their good deportment in prison, they were discharged six months before the expiration of the sentence. The boys have learned a good trade, and before they were released from the prison, they were employed by a St. Louis firm at three dollars per day each. They will soon return to St. Louis to commence work. We are in hopes the boys will do better in the future. They have a good trade, and now, if they will only use it to an advantage, they can keep themselves above want, then they will have no occasion to commit a like offense for which they have been penitentiared. The case of Alford and Dallas should be a lesson to other young men who are growing up without any trade or craft to gain an honest livelihood. No doubt if those boys had been in possession of some trade, from which they could have realized an ordinary income, they would never have been forced to commit the crime they did. We are all more or less creatures of circumstances. Therefore we should prepare ourselves to withstand them without temptation.

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**1883 – ANOTHER KILLING AT FORMAN**

**Leonard Armstrong shot Milton Thomas**

Sunday, January 28, 1883 saw another incident at Forman, the village in Johnson County known for its violence. The first reports were that Leonard Armstrong, a negro man, had been at work in Mount City. When he went home on Sunday night, he found another negro man by the name of Milton Thomas, in his house with his wife. He promptly shot the other man with a shotgun, killing him instantly.

Armstrong was arrested and taken to the Justice of the Peace for a hearing. What was said at the hearing is not known, but he was released, evidently because the J.P. thought the shooting was justified. Simultaneously, a Coroner's Jury was assembled. Before they could find a verdict, the Justice of the Peace had released him. No record of the Coroner's Jury exists. Subsequent evidence found that the woman that Armstrong claimed was his wife was not his wife and he was arrested again.

He was taken to Cairo to be placed in the Alexander County jail until the case could be heard in court. According to a Grand Jury Indictment charging him with murder, Armstrong had shot Milton Thomas in the chest, neck and face with one shot from a shotgun.

When the case came to trial, Armstrong was found not guilty of the crime and released by a Johnson County jury. Most people believed the verdict to be just.

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## **1883 – SHOOTOUT AT NEW BURNSIDE**

### **John & Randolph Howerton shot Frank Smith**

A shootout occurred on the farm of George Boyer, near New Burnside, on September 20, 1883. No details of the reason for the conflict can be found. According to news reports, several shots were fired between the two sides, with each firing several times. In the end, Frank Smith was wounded in the right arm and in his side. The persons on the other side were John and Randolph Howerton. Randolph, at first, was known as Rankin Howerton in the news reports.

Frank Smith died of his wounds on September 21, 1883. The Howertons were arrested and charged in the shooting and released on bail.

The case did not come before the Johnson County Court until April 1884. A Grand Jury presented an indictment against them for Murder. At this point the court record is silent but it is possible that the two Howertons had left Johnson County, either before or after the Grand Jury met. The *Chicago Daily Tribune*, always the place to look for reward announcements, published in their October 22, 1884 edition, the following:

The Governor has offered a reward of \$200 for the arrest of Rudolph and John Howerton for the murder of Frank Smith at New Burnside, Johnson County, the 20th day of September, 1883.

John and Randolph Howerton were eventually brought to court in April 1885. Without any record of the proceedings, the only information that could be found was that they were found not guilty.

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## **1884 – MURDERED CHILD**

### **Martha Lambert charged**

The *Cairo Daily Bulletin* of January 27, 1884 published the following:

Among the prisoners in the county jail here is a woman named Martha Lambert, who was brought here about a week ago from Pope County under a bond of \$800, charged with having murdered a child at Bloomfield two weeks ago.

Little information is available because of a lack of newspaper reports in this case. The few Court documents that are available give us some of the story. According to the Grand Jury report dated April 1884, one Martha Swanner, alias: Martha Lambert, alias: Martha Phelps committed murder on January 14, 1884.

Grand Jury reports are notoriously long and sometimes in great error, but, nevertheless, what we can learn is from that document. Martha had a baby named James Garfield Phelp that was very young. The Grand Jury indictment states: "...an infant child and then and there being of tender years and then and there being in feeble health... ...being unable to walk or otherwise to move himself from place to place... ...being feeble in voice so as to be unable to cry out aloud..."

Knowing the way these reports exaggerate the issues, there is no way to know the condition of the child but it may be surmised that the baby was too young to rescue himself when his mother threw him out into the snow and left him for three hours.

Martha plead not guilty at her trial. The jury did not come to a decision in the matter and was dismissed. This may indicate that the child was ill or unable to live long or normally and that being the reason the mother murdered him. Whatever the reason, the jury could not come up with a verdict. Martha may have become convinced from the evidence presented that she would be better off pleading guilty, which she did. After her guilty plea, she was sentenced to the penitentiary for one year.

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## 1884 – ROAD RAGE LEADS TO MURDER

### David Avery killed Daniel Gage

The murder of Daniel Gage stirred the whole community living south-east of Vienna on what is now the Old Metropolis Road. The origin of the anger that caused David Avery to kill this well-liked citizen began some time previous to this. The whole story can be best understood by reading the newspaper articles as they appeared in those days of 1884 and discover what happened as the citizens of Johnson County waited day by day for more news.

News reached Chicago and all points of Illinois as well as at least one article that was published in the *New York Times*. The daily newspapers were the first to publish the story. The first news came from the *Chicago Daily Tribune*, as it appeared on August 19, 1884:

A constable sold the wheat-stacks and other property of David Avery, near Vienna, Ill., to satisfy a debt, yesterday morning. Soon after Avery burned the stacks and his barn, and started for the town, carrying a shotgun. On the way he met two neighbors, John Pickens and Dan Gage. He saluted them in a friendly manner and then opened fire on them. Gage was mortally wounded. Avery after that set fire to the barn and stacks of a neighbor named John Dunn and then fled. A vigilance committee was soon organized and is in pursuit of the desperado.

The Chicago newspaper may have been ignorant of how the community reacted to the murder by using the phrase: "A vigilance committee was soon organized..." They, however, may have been aware of the anger and used the phrase to speak more softly of what the citizen group really was – "A Vigilante Gang." The *Ottawa Daily Republic*, of Ottawa, Kansas, referred to the group as "...an armed posse..." One newspaper, *The Pantagraph*, a Bloomington, Illinois newspaper referred to the armed men as a group numbering about one hundred.

The *New York Times* of that date carried a similar story with some embellishment that no doubt originated in Vienna.



## Desperate Deeds of a Farmer

Chicago, Ill., Aug. 18 – A dispatch from Vienna, Ill., states that this morning a constable sold under execution a lot of wheat in the stack belonging to one David Avery, a farmer living a few miles south of the town. Just as the constable was leaving, Avery went into the field, armed with a double-barreled shotgun and set fire to the stacks and destroyed them. He then started toward town, and about a mile from his house met John Pickens and Dan Gage, two farmers living near him. He spoke to them in a friendly way, but as soon as he had passed them turned and fired, the shot taking effect in the back of Gage, who died this afternoon. Avery kept on his way, and burned the barn and wheat stacks of a farmer named John Dunn. He then made his escape to the woods, and an armed posse is pursuing him. He is a desperate character, and it is not believed that he will be taken alive.

The *Chicago Daily Tribune* carried a story that was evidently from a Vienna newspaper that is not available for research. The *Tribune* published the following story on August 20, 1884:

### THE GAGE TRAGEDY

#### A Murder That Grew Out of Trifling Injuries to a Buggy

Vienna, Ill., Aug. 19 – [special] – The excitement caused by the murder of young Gage by David Avery yesterday morning is still unabated. The history of this crime is as follows: About two years ago, as Avery was driving home from town with his little girl in a buggy, he met in a narrow portion of the road one John Climer in a heavily-loaded wagon. The vehicles collided, doing some injury to the buggy. This created bad blood between the parties. The neighbors took sides, and a general neighborhood broil was the result. Avery brought suit against Climer for damages and the suit was tried three times, resulting each time in a verdict in favor of the defendant. This created a long bill of costs which Avery attempted to beat by assigning property to his wife and then scheduling, but the court decided that property was liable, and the Sheriff levied upon the stacks of his wheat, supposed to contain about 300 bushels, which he sold yesterday morning. Avery, when he found that the wheat would be sold, endeavored to keep bidders away by threatening to kill any one who bid on the property. A number of parties attended the sale, among whom was young Gage, who made the first bid on the wheat. The wheat, however, was knocked off to one Frank Veach. The crowd had scarcely left when Avery came into the field accompanied by a man named Dunn, both armed, and set fire to the stacks. [Court documents indicate that the Mr. Climer listed in the story was John Clymore, Jr.]

The same newspaper published another story that originated with a Vienna newspaper. This one was published on August 21, 1884.

#### A Murderer's Property Burned

Vienna, Ill., Aug 20 – [Special] – This morning about 7 o'clock the house in which David Avery lived, together with the barn and outhouses and their entire contents, was burned down. His wife and children were at the time here under guard. The property belonged to Mrs. Avery, who, together with her three children, are now left almost destitute. The property destroyed is estimated to be worth \$2,000. A few people think

Avery himself set the buildings on fire, but the prevailing opinion is that it was done by some one else by way of retaliation. Good citizens denounce the wanton and cowardly act which deprived an innocent tough unfortunate woman and her children of their home and means of sustenance, and much sympathy has been manifested in their behalf. No trace of Avery has been discovered, although it is believe he is lurking in the neighborhood, and some new tragedy is expected.

Sheriff Mark Whiteaker, a Civil War Veteran, serving as Captain of his Regiment, went after David Avery. Most likely someone gave him information as to where Avery could be found because within a day, he had tracked him down to Caseyville, Kentucky, just across the Ohio River from near Shawneetown, Illinois. *The Cairo Daily Bulletin* of August 26, 1884 published the following:

Vienna and Johnson County were wild with joyous excitement last evening over the news of the capture of Avery, the man who murdered the young schoolteacher near the city last week. Avery was said to have been captured at or near Shawneetown.

The *Bulletin* followed up the following day with another article. In it, they referred to Caseyville being in Hardin County, Illinois. The place of capture was actually in Kentucky. That article follows:

The Johnson County desperado Avery was brought down here Monday night and confined in the county jail for safekeeping until his trial. He was chained to the seat in the car to insure against his escape and two officers stood guard over him. He passed through Vienna safely, contrary to expectations. He is a large man with a somewhat vicious look. He was captured at a farmhouse about two miles from Caseyville, in Hardin County, early Monday morning. He was standing on the porch of the house in the act of preparing for breakfast when he was suddenly confronted by two deputy sheriffs, each point a cocked gun at him. He surrendered without a struggle. He denies all responsibility, either for the shooting, or the burning of the wheat stacks. He held a consultation with Southern Illinois' leading criminal lawyer at the jail yesterday, and will doubtless make a most vigorous defense. His real name is believed to be Whitesides, which he changed to Avery after having killed a man in Kentucky and moved to Johnson County.

Some differences in news accounts can be expected but a story originating in Cairo and believed to have come from *The Cairo Daily Bulletin*, contradicted its own story. The *Chicago Daily Tribune*, published August 27, 1884 notes its source as a Cairo newspaper.

#### Arrest of An Alleged Murderer and Incendiary

Cairo, Ill., Aug 26 – [Special] – David Avery, the alleged murderer of Gage at Vienna, was apprehended eight miles back of Caseyville, Ky., on the Ohio River, Sunday afternoon. Officers traced him through a defect in one of his shoes, which marked in the soft mud the direction he had taken. He was surprised at a farm house, and surrendered only at the point of a pistol. He was heavily manacled and handcuffed, and brought to Cairo for safe-keeping. The excitement at Vienna was great when news was received of his capture, and preparations were made to give

him a warm reception when the train should arrive there. It passed through without stopping and the prisoner landed here safely.

An unknown Vienna newspaper published a similar story that was re-published in *The Pantagraph*, a Bloomington, Illinois newspaper. The Vienna paper made the following statement about what awaited David Avery when he arrived there: "Intense feeling prevails here, and there are loud threats of lynching."

Avery was eventually brought to Vienna after he had employed two attorneys – Judge Allen and D.T. Linegar to defend him. Considering the feelings of the people around Vienna, it was decided that the case should be tried in Saline County. A list of witnesses was released to go to Saline County for the trial. Those that would be witnesses for the People were: Sigle Pickens, Cynthia Rose, Minnie Rose, Nancy Wright, Dr. N.J. Benson, Dr. C.S. Williams, John R. Gage (father of Daniel) and Ann Ramey.

The Saline County trial was set to start on the second Monday in March, 1885.

During the trial in Saline County, Avery was transported back to Vienna because he was scheduled to testify in another case on April 15th. No case is mentioned but it was probably the case where he and John Dunn were charged with arson in relation to burning the property that was sold at auction. When it became time to take the prisoner back to Harrisburg, the Sheriff and his deputy, along with Avery, were waiting for the train going north.

A surprise awaited Avery when he got to the station. According to the *Harrisburg Daily Independent*, a Harrisburg, PA newspaper of April 17, 1885, reporting news they had received from a St. Louis newspaper published the following news:

## An Alleged Murderer Lynched

St. Louis, Mo., April 17 – At Vienna, Johnson county, Ill., Wednesday night, David Avery, the alleged murderer of Daniel Gage, was shot dead at the Wabash railway station while in the custody of the Sheriff awaiting a train to convey the prisoner to Harrisburg jail. The Sheriff and his Deputy were both wounded at the same time. Avery shot Gage ten months ago on account of legal disputes about property. It will probably be impossible to punish his slayers, as the shots came from the centre of a large crowd of people who had assembled around the depot.

David Avery got his punishment, dished out by an unknown person. One newspaper says that two shots were fired at 8:15 PM. There was no person to blame for the shooting. Witnesses present remained silent. No official record names the person that killed David Avery. He was buried in the Bethlehem Cemetery near where he lived.

Although no official record names the killer of David Avery, *The Cairo Daily Bulletin* of October 4, 1888 published the following:

A rumor is afloat here (Vienna) that Sig. Pickens, formerly of this county, died recently in Kentucky, and while on his death bed confessed that he assassinated David Avery at the depot in this place in April 1885. Avery was under arrest for the murder of Daniel Gage, and in charge of



Sheriff Whiteaker, who was awaiting the train to carry him to Cairo, when some person fired through a window, instantly killing Avery.

Readers may recognize the name Sigle Pickens as being one of the witnesses for the People ( the State), that was sent to Saline County during the trial there.

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## **1885 – INFANTICIDE**

### **Mary White charged**

The birth of a baby is most often a welcome event unless the mother has hidden her illegitimate pregnancy. When the baby is finally born, it's time to face reality because a human life can't be hidden. Or, perhaps the pregnancy can still be hidden by erasing all the evidence.

Mary White was one of those people who were caught up in an embarrassing event. She was pregnant and was able to hide that fact until the baby was born on May 20, 1885. What should she do? The solution came with the baby's death.

According to evidence in the county records, a murdered child was discovered with Mary White being the mother. A.D. Hight, Justice of the Peace, was notified. He alerted Dr. N.J. Benson and an inquest was held over the dead baby. Testimony in that inquest is as follows:

Dr. N.J. Benson states that he went out and examined the child supposed to have been murdered and his best judgment is that the child was murdered by choking it.

A.D. Hight states that he held an inquest over the murdered child and saw finger marks on the child's neck as though it had been choked to death.

Mrs. Goddard (Hattie Goddard) states that she was at Polk Caíses (Casey's) and saw Mary White also the child and from her best judgment the child was Mary White's and that she, Mary White murdered it.

When the case came before the Court in Johnson County, the witnesses were: N.J. Benson, M.D.; Lou Hight; Hattie Goddard; Levi Goddard; Ella Russel and Polk Casey. These people suggest that this event occurred at or near Bloomfield Township in Johnson County.

No evidence of what was said in court remains but from written jury instructions, the following suggestions were brought before the jury. That Mary White concealed her pregnancy and concealed the birth. The fact that the child was illegitimate and was born in the woods without any assistance, does not show that it was murdered. That the mother may have been insane through suffering and other causes at the time the act was committed.

The first time this case came to court, the jury could not come to a verdict. That was on November 9, 1885. A second trial brought a verdict of not guilty on April 13, 1886.

Whatever the reasoning of the jury might have been, they found Mary White not guilty of murdering her baby.

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## 1886 – THE WINCHESTER BULLET

**James H. Arnett, Miles & Henry Newton killed Frank M. McIntosh**

The March 2, 1886 shooting of Frank M. McIntosh was alarming but not too surprising to people in the Wise Community because violence seemed to be a way of life to some of the citizens in that neighborhood. The Wise Community is that area located northeast of what is now Cypress. It runs from Cypress to the Cache River on the old road leading from Vienna to Cypress.

The *Cairo Citizen* published the story on March 11, 1886.

Mr. Frank McIntosh, living in the Wise neighborhood, in Johnson County, was shot dead in his house at about nine o'clock p.m., of the second instant. His family had retired to bed and he was sitting by his fire-side, fixing wipers on a gun stock. The assassin, who at this writing is unknown, shot through a crack between two logs in the building. A dozen first-class hangings should have taken place years ago in Johnson and Union counties. This would perhaps, have been the means of putting a quietus on this murdering business in southern Illinois, but as such has not been the case, murdering goes on with impunity and the people are taxed to pay the costs of prosecutions for murder that are mere farce. Let the hangman be turned loose in earnest, and the killing business will stop.

A coroner's inquest was called to investigate the murder. The results of that inquest were reported in the *Jonesboro Gazette* of March 20, 1886. It was first reported in the *Johnson County Journal* but no surviving copies of that date publication exist today. The report was:

The coroner's inquest, organized by Squire A.D. Hight, to inquire into the cause of the death of F.M. McIntosh, who was assassinated in his house about eight miles west of this place, on Tuesday night, the 2d inst., completed its investigations on Wednesday last, having been in session six days. The verdict was to the effect that the deceased came to his death by a shot from a Winchester rifle in the hands of James Arnett, Miles and Henry Newton. The Newtons being already in custody, Arnett was arrested Tuesday evening by the sheriff and his deputy, on the coroner's warrant, and on Wednesday they were taken to the Cairo Jail. The evidence is all circumstantial but said to be strong. – *Vienna Journal*

The report that a Winchester rifle was used can point to the fact that evidence remained to allow the inquest jury to determine that. It could have been an empty rifle cartridge or they may have been able to find the rifle bullet during the six days the inquest was investigated.

James Arnett and the Newtons were suspected, perhaps because they had a Winchester rifle of a particular type. Investigating the history of the Winchester rifle, it's easy to find the following information.

Winchester Rifle: The Model 1873 was followed by the Model 1876 (or "Centennial Model"), a larger version of the '73, which used the same toggle-link action and brass cartridge elevator used in the Henry. It was chambered for longer, more powerful cartridges such as .45-60 WCF, .45-75 WCF, and .50-95 WCF. The action was not long enough to allow Winches-

ter to achieve their goal of producing a repeating rifle capable of handling the .45-70 Government cartridge; this would not happen until they began manufacture of the Browning-designed Model 1886.

Whatever their reason for suspecting that Arnett and the Newtons were involved was circumstantial evidence. That is borne out by newspaper reports.

Why the trial lasted thirteen days is unknown. The absence of any court record documents hinders this report. The only records available are pages containing proceedings of the trial in the Circuit Court Record Book. Those few pages reveal that the defense asked for a change of venue. That is not a surprise considering the problems James Arnett had had with the law. He killed Ed Mutz in 1877 and was acquitted. The Newtons, though not as well known legally, will in the future become more familiar with the court room in Johnson County.

The jury was handed the responsibility of determining a verdict on November 18, 1886. The verdict did not come back until November 21st, a Saturday. The *Jonesboro Gazette* of November 27, 1886 published the following:

The verdict of not guilty in the Arnett-Newton-Newton murder case, tried at Vienna last week, while not wholly unexpected, created some surprise among our people. Lawlessness has had full sway in a certain section of Johnson county, and nobody can tell when the end will come.

Another case that has relevance here is the event that happened in September of 1887. The *Cairo Citizen* of April 15, 1887 carried the following story:

On Monday evening as Maston and W.Y. Davis, who lived in the west part of the county were returning home from Vienna, they were met in the road some four miles from here by Henry and Joe Newton between whom and the Davises some ill will has been existing for some time. It seems that the Newton boys were the aggressors and tried to get W.Y. Davis out of his wagon in order to give him a threshing, when Davis fired one shot from his revolver at one of the Newton boys, which was immediately responded to by the Newton boys, who fired some three or four shots in return. As all parties proved to be inferior pistol shots no one was hurt. The sheriff arrested Joe Newton Tuesday morning, but failed to secure Henry. The Newton boys have figured prominently in one murder case in this county, while the Davises are peaceable and highly respected citizens.

## **1886 – KILLED A FARM HAND**

### **W.H. Murry accused**

The *Lawrence Daily Journal*, a Lawrence, Kansas newspaper had a short news article in their April 9, 1886 edition. It states:

W.H. Murry, a young farmer of Vienna, Ills., in an altercation with a work hand, struck and killed him with a hoe.



A complete investigation turned up no other news accounts to verify the *Journal's* news. There are no court documents concerning a man by the name of W.H. Murry. It may be assumed that the Kansas publication must have been in error. The writers of this book will take the liberty to include this incident for future reference, stating that no supporting evidence can be found.

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### **1886 – CHANGE OF VENUE FROM POPE COUNTY**

**William “John” Randolph killed Deputy Sheriff Frank M. Thomas**

Pope County, our neighbors to the east were alarmed in 1886 by the news that their County Treasurer had embezzled money from the county during his term in office. Not informed of all the details of that, this report cannot with confidence tell the story surrounding that issue but it has been learned that the Treasurer, William “John” Randolph, had vacated his office for a period of time and had been in New Orleans. The county officials declared that he had vacated his office and filled that job with another person. During the transition, they found a discrepancy of about \$15,000 and asked Randolph to reimburse the county. He refused to do so and was charged with embezzlement. He was arrested and found people to support his bond so he could be released from jail.

In April 1886, the bondsmen decided against supporting Randolph and revoked his bond. Deputy Sheriff Frank M. Thomas went to Randolph's house to arrest him again on April 12th. When he entered the house and informed Randolph of what he was there for, Randolph said that he would not be taken to jail and put on his coat and grabbed his pistol and went out the door at a rapid pace. Thomas followed him and commanded him to halt, shooting at him and wounding Randolph in the shoulder. Randolph turned and they both exchanged several shots.

Thomas was hit in the mouth, with the bullet ranging upward into his brain, killing him instantly. Randolph left town and was soon followed by other officers as well as Thomas' son. The son caught up with Randolph first and challenged him with a shotgun. Officers arrived in time to stop the shootout and Randolph was taken under arrest and placed in the county jail with a new charge of murder.

A case where two respected men and they being county officials made for a difficult time for the court to take proper action. On May 20th, Randolph was granted a change of venue to Johnson County.

Unfortunately, no case file exists in the court records concerning this trial. The only evidence that exists that a trial was even held in Johnson County are two notations in the Court proceedings record book. On November 8, 1886, the trial was continued to a later date. On February 9, 1887, a verdict was found, it being: “We the jury find the defendant not guilty.”

Even with the freedom given to him by a generous Johnson County jury, Wm. J. Randolph had to return to Pope County and face the embezzlement

charges brought against him. According to news reports, his trial there for that offence was to begin on November 17, 1887.

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### **1887 – DID A MURDER OCCUR?**

#### **S.L. Strickland reported to have been shot**

The *Cairo Citizen* published on November 3, 1887 had the following note, which had evidently come out of a Vienna newspaper:

It was rumored here (Vienna) today that S.L. Strickland who lives in the western part of the county, was shot by someone lying in ambush as he was returning home from Vienna Monday evening. No particulars can be gained at present.

Nothing more has been discovered about this news. Was S.L. Strickland murdered? Were the rumors wrong? It cannot be determined at this time.

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### **1888 – DEATH OF A COUNTY OFFICIAL**

#### **Felix A. Boyt died**

The *Chicago Daily Tribune* of January 6, 1888 reported:

**DEAD ON THE HIGHWAY** – An Illinois Official Mysteriously Assassinated While Out on Business

Vienna, Ill., Jan. 5 – [Special] – F.A. Boyt, Coroner of Johnson County and a well-known citizen of this place, was assassinated this morning six miles west of here while riding along the public road. He was found about 10 o'clock lying in the road with a bullet hole in the back of his head. His revolver was lying near with three empty chambers, indicating that he had had a struggle with the assassin and was shot with his own weapon. The deceased was Acting Deputy Sheriff and left here this morning with warrants on some parties living in the western part of the county. The affair has caused great excitement here, as he was not known to have any enemies. The body was brought in late this afternoon and an inquest is being held at the court-house.

An article appeared in the *Jonesboro Gazette* reporting news they had gleaned from a Cairo newspaper, which had got their news from the *Johnson County Journal*. The *Gazette's* article reports:

*Cairo Argus Journal*: The *Johnson County Journal* says of the recent killing of F.A. Boyt, Coroner and Deputy Sheriff of that county, that at the coroner's inquest all the persons suspicioned of having connection with the deed gave a satisfactory account of themselves, and promulgated the theory that it was a case of suicide. It thinks he was shot with his own pistol, says he was financially embarrassed, and had \$5,000 insurance on his life. If a case of suicide it was a queer one, in the selection of time and place, being out on a lonely road on horseback, to serve legal

papers. No man stood higher in the regard of the people of Johnson county than the deceased, a fact amply attested at his funeral.

Being determined a suicide, the idea that Mr. Boyt was murdered, was set aside. No arrests were made in connection with his death.

Felix Alan Boyt was born in Johnson County on September 21, 1842. At the time of his death on January 5, 1888, he was 45 years old. He married Julia Pegram in 1866 and later married Sarah Ann Dunn in 1878, having had five children at the time of his death. He was a veteran of the Civil War, joining Company K, 60th Illinois Infantry. His burial is at the Vienna Fraternal Cemetery.

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## **1888 – MURDER AT NEW BURNSIDE**

### **Harry Green killed John Stacy**

The residents of New Burnside, going about their normal daily business, were shocked by the news of a murder that had occurred there on September 28, 1888. The first news reported from Vienna was five days later. The *Chicago Tribune* picked up the story and reported it in its October 4, 1888 edition.

#### **Brutal Murder at New Burnside, Ill.**

Vienna, Ill., Oct. 3 – [Special] – The body of a man named John Stacy was found in a ravine today near New Burnside, fifteen miles north of here. He was mangled, having been pounded with a club and stones. Investigation showed that the man was murdered about last Friday. The State's Attorney and other prominent members of the bar have been at work on the case and caused the arrest of a man by the name of Green today. He was brought here and placed in jail to await further developments. There is some excitement over the affair at New Burnside.

The *Cairo Citizen* reported the story the same day but with much more detail. Their information, it appears, had come directly from New Burnside.

#### **FOUND MURDERED**

On last Friday a widow living in this place (New Burnside) and owning a small farm a half mile northwest of town, on which there is a little log shanty and one or two outbuildings, having occasion to visit the farm for the purpose of feeding some stock, went into the shanty, and on entering discovered several pools of blood, two bloody knives and two or three pieces of plank on which there was blood. On returning to town she reported what she had seen. It seems that no one gave the matter any serious thought until Saturday morning – when the news reached the city marshal. He, with his brother, went out to look around and see if what had been reported was true. On arriving at the house they found the blood and other evidence sufficient to arouse their suspicion that there was something in it. They began an investigation of the premises and soon discovered traces of a struggle, also found where a body of some description had been taken out of the house. Following the tracks they had gone about 50 yards to the southeast of the shanty, where they came



upon the body of a man concealed in a dense thicket of briars and brush. The alarm was at once spread, and in less than an hour perhaps 100 people had viewed the body. In the meantime the coroner had impaneled a jury and had the body removed to the house, where the inquest began. The only evidence produced was that on Thursday night somebody stopped in the house. It was then rumored that the murdered man was the son of the woman who owned the farm, and who lived in White County, but was seen here on Thursday. An officer was at once sent to White County to see if this man had gone home, while the woman and her daughter were kept under surveillance. The coroner held the jury until Sunday a.m., when the officer returned from White County and reported that the man who had been here was at home. This exploded the theory that the murdered man was the son of the woman who owned the farm, and she and her daughter were released from custody. The coroner then convened the jury again but could not secure any evidence as to the identity of the corpse, nor any clue to the men who committed the murder. It seemed as though the man had been decoyed into the house and then struck on the head with a plank about 5 feet long, 6 inches wide and 1 inch thick. It was at first thought that he had been stabbed on account of the knives having been found, but on examination by the doctors it was found that he had been hit with some blunt instrument, breaking the skull above the eyes. After having committed the deed it seems as though he had been then carried and dragged to the thicket, and from surroundings it looked as though they had not quite finished the job and had hit him in the head with a large stone, as there was one lying beside him. The body was in such a position as to leave the impression that he had been placed there as though from the coffin. The body was that of a man about 21 or 22 years old, light hair, blue eyes, about 5 feet 8 or 10 inches in height and weighed about 140 pounds, dressed in a suit of navy blue clothes, blue cotton overshirt, red flannel undershirt and a pair of nearly new boots. The coroner's jury returned a verdict that the deceased came to his death at the hands of parties unknown.

Later — the body of the murdered man has just been identified as that of John Stacy.

Who John Stacy was is unknown. He may have been one of the workers on the new rail line running to Grantsburg.

It is unknown how Harry Green was identified as the killer. It may have been that one of the knives found there had an indication that it belonged to him. Investigating him, the officials may have found that he had items that belonged to John Stacy in his possession. Whatever the reason, Harry Green was arrested on October 2nd and kept in the jail until November. He was not released on bond until after the Grand Jury indicted him for Murder at the November Term of the Johnson County Court.

Green was a worker on the construction of the rail line going through Grantsburg at that time. There is no indication where he was from. In an affidavit, he identified several men that he wished to call as witnesses. These were men that he worked with on the rail line and they were from St. Louis, East St. Louis, Paducah and another from some other point in Kentucky. He also identified two as living in Arkansas. He may have given the

names of witnesses that he thought the court could not find, therefore they could not refute his testimony.

Green stated that on September 25, he had removed his knife and some tobacco from his pocket and had shared the same with some of the men named and during the course of the day, his knife became lost. This might have served to explain the knife either being missing or perhaps being one that was found at the murder scene.

He also stated that while working on the rail line going to New Grantsburg, he had to take liberty to step off the track and "step into the bushes to do a job." When he returned he brought a satchel or valise from the bushes that contained some under clothes, a hat, a white shirt, a pair of pants and some other clothing. He stated that if no one claimed the valise, he would keep it. This might have been an attempt to explain why he was in possession of John Stacy's valise and clothing.

The affidavit was signed November 8, 1888. His case did not come up in Court until April of 1889.

No record of the court proceedings exist but the case went against him because the jury returned a verdict on April 8, 1889. The verdict of the jury was, "We the jury find the defendant guilty of murder as charged in the indictment and fix his punishment at fifty years confinement in the penitentiary." Harry W. Green was delivered to the penitentiary at Chester, Illinois.

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## **1888 – MURDER OF A WOMAN IN VIENNA**

### **William Steele murdered Irene Barnes**

A murder occurred in Vienna on April 9, 1888. Although little is known about the murder from local sources because the newspapers that may have carried the story in Vienna have been lost to history. This story was reported in the April 11, 1888 edition of *The Inter Ocean*, a Chicago newspaper. It follows:

#### **Mrs. Barnes' Murderer Caught**

#### **William Steele's Rather Starling Claim of Self-Defense**

Evansville, Ind., April 10 – Special telegram - William Steele was last night arrested at Paducah for the murder of Mrs. Barnes at Vienna, Ill., last Saturday. He had been chased to Metropolis by the sheriff of Johnson County, but escaped his pursuers by taking a boat at that point. He has confessed to the killing, but claims that it was in self-defense.

One Vienna newspaper has been found that did allude to the murder. It is the *Johnson County Journal* of April 13, 1888. It says:

The preliminary investigation into the cases of George Robinson and Will Steel for the assault on Andy Barnes and mother, resulted in binding Steel over to await the action of the Grand Jury, and the acquittal of Robinson.

Nothing more has been found in this case. The county records are missing in this event. According to the federal census of 1880, Irene Barnes, aged

50 then, had a son that lived with her, Andrew Peak, aged then about 20, with an occupation of "Loafing."

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### 1889 – SHOOTOUT AT A SCHOOL HOUSE

**John Bridges killed and Charles Arnett wounded**

Several newspapers in neighboring states began to print almost identical stories about an event that happened in early January 1889 in Johnson County. No surviving county newspapers can be found that cover that news on that date. Of those printing the story that originated in Vienna, the one printed by the *Newton Daily Republican* from Newton, KS, seems to be the most complete. It is as follows:

#### **Deadly Battle at a School House**

Vienna, Ill., Jan. 11 – Last night an altercation occurred at the school house three miles west of this place between Charles Jacobs, John Bridges and Charles and Joe Arnett. Eight shots were exchanged. John Bridges was killed and Charles Arnett wounded. The other men were arrested.

A search of the Criminal Records at the Johnson County Courthouse produced only two recognizance bonds involving people to the printed article. Charles Jacobs and Charles Arnett both posted bonds in charges stemming from the shooting. No further documents could be located, therefore, legal actions could not be determined.

The school house mentioned was most likely the Oak Grove School. Those involved were living in that vicinity. Charles M. Arnett, age 18 and Joseph L. Arnett, age 17 are sons of James H. Arnett, a man who was well known in the county courts. Charles Jacobs, age 19, is the son of L.F. Jacobs, also a resident of the area. John Bridges, the young man who died, was about 22 years old, the son of David Y. Bridges, a highly respected family living very near to the school. Ages are approximated from earlier census records.

The item that began the search for this event was a newspaper article that appeared in the *Cairo Citizen* of January 24, 1889.

The wife of D.Y. Bridges is quite low and not expected to live. She was overcome by the death of her son, who was shot by young Arnett a few days ago and has never rallied since.

Most likely, nothing or very little was done about the young men in the shootout. The court records do not indicate any action. The newspaper account of January 24th does not say which of the Arnett boys killed John Bridges.

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## **1889 – A FIGHT RESULTS IN DEATH IN SIMPSON TOWNSHIP** **George M. Barnwell stabbed Joseph W. Ogden**

According to the proceedings in the Justice of the Peace Court held in Simpson Township, held by S.C. Hazle, J.P., an incident happened at Simpson that resulted in a man dying. According to their report, George M. Barnwell, fighting with Joseph W. Ogden on March 4, 1889, stabbed Ogden with a ten inch knife in four places. The result was that Ogden died two days later on May 6th.

Barnwell was arrested and charged with murder. His case was then transferred to the Johnson County Court. A Grand Jury heard the case and produced a "No Bill" on the charge of murder, meaning that there would be no indictment. The Grand Jury, however, did find a "True Bill" on an indictment for manslaughter.

Few documents are contained in the file folder for this case but one piece of paper says: "We the jury find the defendant not guilty."

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## **1889 – A YOUNG GIRL KILLED VIOLENTLY** **Mr. Johns attacked Mary Haden**

Johnson County had its own court system but also had township districts that had their own court system. This was the Justice of the Peace Court, sometimes referred to as JP Court. These courts handled many minor, as well as major, crimes, most often passing the major crimes on to the county courts. The JP Courts did their duty but unfortunately, did not keep records very well. Most, if not all of the records have been lost to history.

One such case, handled by the JP Court, was the death of a young girl, Mary Haden. The county court records do not identify this crime. The only record available is that which is printed in newspapers. The *Cairo Citizen* of August 8, 1889 published the following news article:

A preliminary trial has been in progress before Esq. H.T. Bridges since Saturday in which a man named Johns of Bloomfield is charged with kicking and chocking a young woman named Mary Haden from the effects of which she died last Thursday. The case excited a considerable interest as the real cause of her death will not probably be ascertained, as she showed signs of insanity before her death, but it is questionable whether it was a result of the treatment received from Johns.

A search of court indexes has not found who the Mr. Johns may have been. According to census records, unfortunately having to go back to 1880, a Mary Haden was located. At that time, she was six years old, making her about fifteen years old at the time of this incident. Being not entirely sure about this, the authors of this book do not declare this Mary Haden to be the unfortunate girl mentioned in this news article. However, this Mary Haden, identified in the census, is the daughter of Dickson and Ann Haden of Bloomfield Township.

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**1889 – MURDERED ON THE STREETS OF VIENNA****Joseph B. Doss killed Edward Jarrett**

The *Vienna Weekly Times* – October 2, 1889 featured:

**Another Killing in Johnson**

The deadly revolver has again been brought into use, and another victim added to the list for our county. Last Sunday Joseph Doss, an old wool-carder who has been working at the Vienna Mills, and a colored boy, Ed Jarrett, porter at the St. James Hotel, had a dispute – something about a pup that Doss wanted – and on Monday morning, about half-past [?] o'clock they met again in front of L.C. Throgmorton's store, when the quarrel was renewed. After a few hot words and threats, Doss started to walk away but had proceeded but a few steps when he whirled, drew his pistol, and began firing at the negro, who undertook to get away, but was [\_\_\_\_?], as the second shot took [\_\_\_\_?], going in near the shoulder and passing through his heart. The negro retreated into Throgmorton's store, and Doss followed him up and fired a third shot, but without effect. The negro lived but a few seconds. Deputy Sheriff Powell was standing by at the time, and tried to prevent the shooting, but Doss was desperate, and Powell barely got out of the way in time to escape the first shot. L.C. Throgmorton had hold of the negro, trying to pull him into the house, when he was shot, and the ball just missed his (Throgmorton's) hand. The evidence goes to show that the negro picked up a weight about the time he saw Doss drawing his pistol, but Throgmorton took it out of his hand, when he got hold of another and had it in his hand when he was shot. Doss was promptly arrested and lodged in jail, and in a preliminary before 'Squire Bridges was held to await the action of the grand jury without bail. Jarrett was seemingly a peaceable, harmless boy, and the affair is to be regretted. His folks live at Metropolis, and his body was taken there Tuesday for burial. It is stated that there had been trouble previous to Sunday between Doss and the negro, and that Doss had made threats as to what he would do with him. The evidence tends to show that it was a premeditated act, and that he accomplished just what he came up-town to do Monday morning. The affair had no political significance whatever, but we might add in parenthesis that Doss is a Democrat of the very worst type. He has killed a negro, but he was nevertheless a human being, entitled to the full protection of the law, and Doss should suffer the penalty, just the same as if he had slain a white man. We are sorry, but it seems they haven't quit killing people in Johnson county yet.

The *Cairo Citizen* published the following on October 3rd.

**Murder at Vienna**

Joseph Doss, a laborer at the carding mills, shot and killed Ed Jarrett, the colored porter St. James Hotel, Monday morning in the store of L.C. Throgmorton. Some two or three days before the murder Doss charged Jarrett with having carried notes from other men to his wife and threatened to kill him. Monday morning Doss carried out his threat. Jarrett is said to have been a quiet, well-behaved man. Doss is in jail.

A Justice of the Peace Court, held by H.T. Bridges, J.P., charged Doss with murder and carrying a concealed weapon. The Court also identified the date of the murder as being September 30, 1889.

A Grand Jury indicted Joseph B. Doss for the murder of Edward Jarrett on the 30th day of September, 1889. The same document states that Jarrett was shot in the back just below his shoulder blade.

The deputy sheriff named in the article is Thomas Powell, while the store owner is L.T. Thormorton, according to subpoenas issued to witnesses.

Doss claimed that he did not intend to shoot Jarrett but had only intended to strike him with his pistol because Jarrett had picked up a weight used on scales to attack him.

A Johnson County jury did not find Doss guilty of murder, but did find him guilty of manslaughter instead. They, unfortunately, did not value the life of Jarrett to be worth much. The verdict coming on November 13, 1889, was: "We the jury find the defendant guilty of manslaughter and fix his term of imprisonment in the penitentiary to two years." The *Cairo Citizen* felt likewise. Their November 28, 1889 edition stated:

Joe Doss, who killed a colored man in Vienna a few weeks ago, was tried by a jury last week, convicted and given a term of two years in the penitentiary. That is too cheap for human life.

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## **1890 – QUESTIONS ABOUT A MURDER**

### **Riley Kelley killed Henry Laningham**

The Grand Jury of Johnson County, indicted Riley Kelley of a charge of murder of Henry Van Landingham, by stabbing him with a knife. The incident having occurred on June 2, 1890.

A second Grand Jury indicted Riley Kelley for the murder of Henry Laningham, by stabbing him with a knife. The incident happening on March 11, 1890.

The Court record book notes that an indictment was brought against Riley Kelley for murder on November 12, 1890.

Much discrepancy surrounds this incident and no newspaper accounts have been found to relate the story of the murder. Even more confusing is why the case was stricken from the docket on November 9, 1891.

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## **1890 – MURDER NEAR BLOOMFIELD**

### **Priscilla Clay killed George Pearce**

The *Vienna Weekly Times* published an article on July 17, 1890 about a murder that had taken place on July 9, 1890.

George Pearce, a young man about twenty years of age, and a son of Rafe Pearce, deceased, met his death in a very sad manner last Thursday night. He and a companion, Otis Lovelace, went to old Mrs. Clay's



house, situated on Beaver Lake, in Bloomfield township, and demanded admittance, and upon being refused by her daughter, Priscilla, a quarrel ensued which finally resulted in young Pearce being shot in the head by the girl. He was shot about 10 o'clock, and laid insensible until about 2 o'clock the next morning, when he died. It is generally understood that Mrs. Clay and her daughter keep a very ill-governed and disreputable house, and of course Pearce and Lovelace went there with no laudable object in view, it is stated under assumed names; and when the girl informed Pearce that he could not come in he swore that he would, and started in, when the girl snapped her pistol at him; whereupon Pearce shot her in the knee, immediately after which the girl shot him in the forehead, as above stated. This is the testimony of the women, which is in part corroborated by Lovelace. The Sheriff went out Friday, but did not arrest the girl, as she was in bed from the effects of the wound in her knee. As no doctor would go to see her, it is thought that she, too, will likely die, as the wound was very much swollen and growing worse at last report. No inquest was held over the body of Pearce. This should have been done, and the facts in the case ascertained as far as possible, as there are almost always two sides to every case. George Pearce was a well raised young man, who heretofore has borne a very good reputation, and when the real truth is known there may not be as much self-defense in the case as is reported, although at the time he was shot he was at the wrong place. Mrs. Clay and her daughter are both hard cases, yet it is said they have been greatly abused and mistreated by some of their neighbors, which, perhaps, has had a tendency to drive them to desperation. We believe in giving everybody what is justly due them, and these women are entitled to the protection of the law, the same as anyone else, but if the girl recovers, she should be arrested and a preliminary trial had, so that the facts may be developed as nearly as possible, and if it is found that she was not justifiable in killing young Pearce she should be made to pay the penalty of the law.

To clarify the language used at that time, an "ill-governed house" or a "disreputable house" was used to designate the place as a house where prostitution took place. The young man, George Pearce, and his friend were most likely going to that place to participate in what made it famous.

Nothing much is recorded in the county records but a Grand Jury indictment and a subpoena whereby Priscilla Clay, also known as Persilla, was ordered to appear in court on the first Monday in April, 1891. The document was issued on December 2, 1890, therefore making it very probably that Priscilla Clay lived through her ordeal.

Court record books show that the case was stricken from the docket on November 9, 1891.

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**1890 – SHOT HIS PARENTS****William F. Sullivan shot Marcus and Alice Sullivan**

The *Vienna Weekly Times* of July 17, 1890 brought sad news from Goreville Township.

We are called upon to chronicle another sad murder, or at least an attempt to murder, that occurred in Goreville township last Sunday night. About 11 o'clock on that night some wretch entered the bedroom of M.A. ("Bud") Sullivan, where he and his wife were quietly sleeping, and, without any warning, shot both of them. Mr. Sullivan was shot once, the ball entering near the shoulder and ranging downward through the body, while his wife was shot twice – once in the back, the ball passing around the ribs and coming out below the nipple, the other shot taking effect in the arm, below the elbow. Mr. Sullivan has been lying at the point of death ever since the shooting, and his wound is such that the doctors say there is no chance of his recovery, while it is thought his wife may possibly recover. Excitement ran high in that neighborhood Monday, and many people visited the scene of the terrible crime. As Mr. Sullivan is one of the best citizens of Goreville township, and had not an enemy in the world that anybody knew of, and as there was no attempt at robbery before or after the shooting, the awful deed seemed to be a mystery to everybody at first; but Sheriff Frizzell, Deputy Powell and States Attorney Fisher went out, and with the aid of others in making the investigation, suspicion finally rested upon Mr. Sullivan's own son, William, who is a boy about 16 or 17 years of age. He was arrested Monday afternoon, brought to town and placed in jail to await a preliminary trial, which is set for tomorrow (Friday). There is a strong chain of circumstantial evidence against him, which it is unnecessary to give here; besides, his step-mother has made the statement that she thought it was him she grappled with when he (or whoever it was) was doing the shooting. She states that the one who did the shooting was about his size, was in his night clothes, and was masked with a black stocking-leg, which was afterwards found near the house. The pistol was also found not far from the house, and is a 38 caliber revolver – the same one that was stolen from L.Z. Sullivan (a brother of M.A. Sullivan) the night before. The boy is the only child of Mr. Sullivan, his mother being dead and the wounded woman being his step-mother. He has not been getting along with his parents very well, and it is stated that he wanted to marry a girl in the neighborhood, to which his father objected. His motive is supposed to have been to get them out of the way, when he (being the only heir) could have things his own way. Mr. Sullivan is a well-to-do farmer, owning from 200 to 300 acres of well improved land. It is a sad affair, indeed. The last report (Wednesday noon) was that Mr. Sullivan was still alive, and his wife was thought to be improving.

An unknown Anna, Illinois newspaper published a shorter account of the event. It was republished by the *Chicago Daily Tribune* on July 17, 1890. The most interesting addition was as follows:

...A few months ago he attempted to poison his parents by putting strychnine in the water. He is under arrest and does not appear to appreciate the enormity of his crime.

A telegram from Marion, Illinois rushed the following news to the *Inter Ocean*, a Chicago newspaper on October 18, 1890.

## Sullivan's Wonderful Vitality

Marion, Ill., Oct. 17 – Special Telegram – On the night of July 18 Will Sullivan, a lad of 16 years, shot his father and step-mother near Goreville, in Johnson County. His step-mother soon recovered. Physicians all united in saying that Mr. Sullivan's wound was fatal, but he did not die. A physician from St. Louis examined him and agreed with the other physicians that Mr. Sullivan would not live, but to-day, ninety days after he received wound, he was brought to this place in a wagon, a distance of fifteen miles and took the train for St. Louis for medical treatment. Physicians are watching the case with great interest. They say if he recovers it will be one case out of a thousand.

A Grand Jury indictment was brought against William F. Sullivan for the attempted murder of his father and step-mother on July 13, 1890. In the trial, William Sullivan was found guilty but was under sixteen years of age.

The sentence given to Sullivan because of his age, was to serve four years in the Pontiac Reform School, then to serve one year after that sentence was completed.

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## 1890 – MURDER AT THE FAIR

### James M. Gore murdered John Scarlet

The *Chicago Daily Tribune* published a story in its September 21, 1890 edition about an event that had come to them from a Vienna newspaper.

#### Probably a Case of Murder

Vienna, Ill., Sept. 20 – [Special] – John Scarlet, 30 years old, was found dead in an old field of high weeds near the Fair Grounds today at 4 o'clock with a bullet hole through his head. He was working on a farm one mile east of town and had been attending the fair here this week. He was last seen yesterday evening. The indications are that he was murdered for his money, as his watch and pocketbook were gone. He was known to always have money on his person and was a very quiet, inoffensive man. No clew as yet to the tragedy.

The fair grounds at the time of the murder of John Scarlet was where the present day city park is in Vienna. The *Cairo Citizen* article of September 25, 1890 makes note of that location as it reported the event at Vienna.

#### Murder at Vienna

The body of a young man by the name of John Scarlett was found last Saturday afternoon in the field of Mrs. Throgmorton not far from the iron bridge on the road leading from the depot at Vienna to town. The body was badly bloated and covered with flies. The young man had not been



missed, though he had probably been dead twenty-four hours or more when the body was discovered.

He was a young man of temperate habits and good character. A coroner's jury was summoned and an inquest held. The inquest disclosed the fact that he had been shot from behind, a bullet entering the back of his head. His watch and pocketbook were missing. It is believed that he had money on his person, and that he was murdered for the money.

Nothing was heard of the investigation until 1894. The first news after that was from the *Cairo Citizen*, published on January 25, 1894:

#### Murder Will Out

During the fair at Vienna in September 1890, the body of a young man was found in Throgmorton's field not far from the railroad depot. An investigation disclosed the fact that the body, which had been lying there about thirty-six hours, was that of John Scarlet, and that he had been murdered and robbed. No clue to the murderers could be found, but at last, after the lapse of more than three years, James and Bent Gore were arrested for the crime.

Their preliminary trial before Judge Murray, county judge, of Johnson County, at Vienna, last Wednesday and Thursday of last week. The evidence was deemed sufficient to commit James Gore to jail, without bail, where he will await the action of the grand jury. Bent Gore was acquitted. The outcome of the case will be watched with great interest.

It was not until March 29, 1894 that a Grand Jury met and brought an indictment against James M. Gore for the murder of John Scarlet. It said that Gore had shot Scarlet in the back of the head, the murder taking place on September 20, 1890.

James M. Gore was found guilty and sentence to 30 years in the penitentiary. This was, however, not the first time he had been in trouble with the law. The *Johnson County Journal* of July 18, 1879 had published a story from one of its correspondents concerning James Gore. The correspondent was from Lizard Ridge in Johnson County.

A few nights ago a band of outlaws, whose names were Jas. Gore, Jas. Elkins, Charley Elkins, and Frank Elkins, concealed themselves by the wayside while Jas. Gore went to the house of Mr. Jim Ferguson, a man living on Jim Smith's farm, and called a young man out whose name was John Paris, late of Kentucky, pretending to be a friend to him, and they walked out together; and when they got to where the concealed parties were, they came out and commenced pelting him (Paris) with stones. Paris was unarmed, but fortunately for him he had on a pair of fast boots, which were soon got in motion. By the assistance of his physical abilities he thus made his escape, receiving several severe jolts in the rear from the hands of the attacking party.

Mr. Paris has fled to parts unknown to us, so all is quiet now on the Ridge, except a little off-hand fighting at long range.

Jim Gore is still dodging the officers on account of the Turner difficulty. Mr. Gore is getting to be of considerable not as a rioter.

The law finally caught up with James Gore as this December 5, 1879 article from the *Johnson County Journal* states:

James Gore was brought from Cairo jail, last Tuesday, and plead "guilty" to the charge of burglary, and was sentenced by Judge Harker to a term of one year in the Southern Illinois Penitentiary. Sheriff Allen left, the same day, with him, for Chester.

Gore was then indicted for assault with intent to murder in April of 1884. The incident concerned his January 1, 1884 assault on Ed Cramer. How he managed himself in that case is unclear. It is mentioned here to show the character of Mr. Gore.

In November, 1899, something happened to the relationship of James Gore and Bent Gore. Their family relationship is unknown. A Vienna newspaper published a notice that James Gore had sworn a warrant against Bent Gore, charging him with murdering John Scarlet. He was claiming that it was not him that shot Scarlet but it was Bent Gore and he was a witness.

Bent Gore was arrested and had his day in court concerning the murder of John Scarlett. A Grand Jury indictment for murder stated that he had shot John Scarlet in the back of the head, killing him. This allowed James Gore to have his day away from the penitentiary.

On April 1, 1901, James Gore came to Johnson County Court under guard from the Southern Illinois Penitentiary. He testified as a material witness.

The jury evidently did not believe James Gore. There is no evidence that Bent Gore was convicted of the crime. James Gore remained in prison and the last that is known about him was when the *Decatur Herald* published a list of persons asking for pardons in 1907, his name was on it.

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## 1890 – A SHOOTING AT PARKER CITY

### Lydia Smith shot Ephram J. Cooksey

News from the *Vienna Weekly Times*, dated January 8, 1891:

E.J. Cooksey, who was shot at Parker City by the Smith woman, last week, died last Friday. Before Cooksey's death the woman had a preliminary trial before Esq. R.H. Wise, at New Burnside, on a charge of assault to murder, in which she was acquitted, the evidence showing that he was after her with a poker when she shot him. Since Cooksey has died the woman left the county and has not yet been recaptured. Cooksey, it is said, kept a very ill-governed house and is, no doubt, in a great measure responsible for his own death.

A Marion, Illinois reporter published an article which was reprinted in the *Chicago Daily Tribune* on January 11, 1891.

#### An Illinois Woman Charged With Murder

Marion, Ill., Jan. 10 – [Special] — Mrs. Lydia Smith of Johnson County, Illinois, was brought here and lodged in jail last night for safekeeping. She was taken from here to Vienna this morning, where she will be held to answer to the charge of murdering E.F. Cooksey at Parker City Thursday, Jan. 1. Cooksey was keeping a hotel at Parker City and the defend-

ant was his housekeeper. The parties got into a row and the woman shot Cooksey, from the effects of which he died the next day.

A Johnson County Grand Jury indicted Lydia "Liddie" Smith of the murder of Ephram J. Cooksey. The incident happening on December 30, 1890. The indictment stated that Cooksey was shot in the back. Lydia Smith claimed that she feared for her life when she shot Cooksey. The threat was not necessarily immediate but she claimed that she had to kill him to keep him from killing her at some time.

The jury must have agreed with Lydia Smith because they found her not guilty on April 14, 1891.

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### **1891 – MURDER OF JAMES HECTOR ARNETT John Burbin "Burb" and Edward "Ed" Stanley charged**

April 13, 1891 began as any other day but by noon, a man lay dead. James H. Arnett had been killed. The news published in the *Vienna Weekly Times* on April 16, 1891 was shocking. The public received the news with mixed feelings, some celebrating and some grieving. The article published is as follows:

#### **Another Man Killed in Johnson**

On last Monday morning, about half past 10 o'clock, as Jas. H. Arnett was going home from town, when about one and one-half miles west of town, just opposite the cabin on Burb Stanley's place, he was shot down in the road and instantly killed. The party or parties who fired the fatal shots were secreted in the cabin and from the preparations that had been made must have premeditated the murder. The only witness to the affair was Marsh Dooley who was at work in his field, about 250 or 300 yards distant. He states that he heard the first shot which directed his attention that way, and he soon afterwards heard Arnett's cries and groans. Very soon he saw a man come around the corner of the house and advance towards the road and shoot again, after which he turned and went back around the house and in company with another man and a dog left and went across the field in the direction of Burb Stanley's dwelling. Mr. Dooley swears to the best of his knowledge that the men were Mr. Stanley and his son, Ed., and the dog was Stanley's dog. The first shot was fired through a hole in the door. The first men on the scene were Mr. Dooley and Rufus a son of James Hester, but they found Arnett dead. Eleven large sized buckshot had taken effect in his body. A coroner's inquest was held over the body Monday afternoon and the verdict of the jury was that Arnett came to his death by gunshot wounds at the hands, as they believed, of Burb and Ed. Stanley.

Mr. Stanley and son were immediately arrested and are now in jail pending a preliminary hearing or action of the grand jury. Arnett and Stanley had been at a very bad understanding for three or four years past, and, as it is stated, had each been carrying guns for the other. Arnett was well known in the county and was considered by some as a bad and dangerous man, as he had been three times tried and acquitted for murder in this county; but while he had enemies, he had some very strong personal



friends. His remains were interred at the D.Y. Bridges cemetery Tuesday.

On Monday night, the barn of Bennie Arnett, a son of the deceased, was burned down with all its contents - feed, machinery, etc., which is a total loss, as there was no insurance. The fire is supposed to be of incendiary origin.

There is no use trying to conceal the fact that "Hells Neck," a scope of country Southwest of town, is in the midst of a bad state of affairs and the killing of human beings and other crimes are not an uncommon occurrence out there; but "Hell's Neck" is not all of Johnson county, and when all the sinners in the "Neck" conclude to "flee from the wrath to come" and become more Christ-like we will have better times in Johnson.

News was reported widely in Southern Illinois. The *Alton Evening Telegraph*, an Alton, Illinois newspaper, reported that the shot came from a cabin door about forty feet from the road. The *Monroeville Breeze*, a Monroeville, Indiana newspaper, reported that the Stanleys had made repeated threats against Arnett. The *Jonesboro Gazette* reported a shorter version of the story but added some information. The following was published by the newspaper on April 18, 1891:

James H. Arnett, a well known citizen of Johnson county, who has been tried and acquitted three times for murder, was assassinated Tuesday morning near Vienna. Two men named Stanley were arrested for the crime, although there were no witnesses. A son of Arnett's was shot a few years ago and died from the wound. The Arnetts were fighting characters and had a row at our county fair some years ago.

James H. Arnett was indicted for assault to murder, this case file being lost, the only evidence of this case is from the Court record book where the activities of the May term of 1877 was recorded. The case of *The People vs. James Arnett* was presented during that May term. The jury found him not guilty, but the name of the victim is not recorded. Arnett was also accused of the murder of Ed Mutz in 1877. When the case came to trial, Arnett was found not guilty. Arnett was charged, along with two Newton boys, of murdering Frank McIntosh in 1886. He, again, was found not guilty by a Johnson County jury. Arnett was charged in 1886 of threatening Wilson B. Brown with a gun until he gave Arnett all his possession, a watch, money, etc. Arnett was found not guilty of this crime also.

No other crimes were charged to James H. Arnett in Johnson County that the writers of this book could locate. The reason for his acquittal in so many cases may have been because people feared him or it could be that people were taking care of their own and allowing their friend to go free. It could also be that Johnson County juries were hesitant about finding any person guilty and when they did, reducing their sentences.

The *Jonesboro Gazette*, noted above, made mention of an event that happened at the Union County Fair that involved the Arnetts. That story was published by the *Cairo Daily Bulletin* in their September 1883 edition. The Arnett name was misspelled terribly, but the reader will be able to interpret without correcting the article:

Anna is somewhat excited over a row that occurred there Friday afternoon, in which John Lord, an officer of the city, was beaten nearly, if not quite, to death. A party of Johnson County fellows attended the fair near Anna, and while there some bad words were passed between one of these and an Anna man, and Officer Lord took up the quarrel for the latter. The parties separated, however and went to Anna. There they met again, and having heard that the officers had boasted that he could whip any of the Johnson County gang, one of these named Jim Arnout went toward the officer with a club and unceremoniously knocked him down, striking him several severe blows on the head after he lay unconscious on the ground. This done Arnout rejoined his gang and bidding defiance to the crowds that had gathered around them, rode out of town. A few minutes later a posse of armed citizens of Anna went in pursuit, but whether they captured the fugitives or were captured by them we have not learned.

James Arnett had a bad reputation in Johnson County. He was born in Kentucky before moving to Illinois, where he joined Company I of the 120th Illinois Infantry. He had achieved the rank of Sergeant before he was mustered out. His military record, from the Illinois State Archives, says that he was 5 foot 8 inches tall, black hair and blue eyes and dark complexion. The record also states that he was mustered out as a corporal. He married Elizabeth Jane Yarbrough and they had eight children.

The difficulty between James Arnett and Burb Stanley has not specifically been identified. It could be as simple as two men with similar bad behavior that do not like each other. Burb Stanley was also known as a man to fear. Gary Hacker wrote about these two men in his book "The Hell's Neck Feud."

The problem may have been a family affair. Burb Stanley's wife, Amanda, is a sister to Powell Short, the man who killed James Arnett's brother, William. That killing was because William Arnett had raped Powell Short's wife, Melissa. Bad feelings between these two families most likely existed since that time in 1877.

The case against Burb and Ed Stanley was brought during June 1891. Burb Stanley claimed that he was insane at the time of the murder and testimony that Ed was involved was refuted by others. The case closed with the following verdict coming on June 26, 1891:

We the jury find the defendant Ed Stanley not guilty, and we find that the defendant Burb Stanley committed the act charged in the indictment and also find that the said Burb Stanley was insane or affected with insanity at the time of the commission of the act, and we also find that he has not entirely and permanently recovered from such insanity.

The *Cairo Citizen* reported news of the verdict after the trial was over:

The trial of Burb and Ed. Stanley charged with the murder of James H. Arnett, occupied the attention of the circuit court for a full week and resulted in a verdict of acquittal for both defendants. Ed Stanley was acquitted because the jury believed that he was not implicated in the murder in any way, and as to Burb, the plea of insanity was sustained. It was not denied that Burb Stanley committed the homicide, but the jury did not believe him morally responsible at the time.

The *Jonesboro Gazette* reported that Burb Stanley was committed to the insane asylum at Anna, Illinois. The Court record states that Stanley was to be kept confined there until he was permanently cured.

Thus ends an era of murder and mayhem committed by James H. Arnett. Many were happy to see the county rid of this menace while many mourned his passing. He was buried in the Bridges Cemetery. A military commemorative stone marks his grave.

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## **1891 – A MURDER AT BUNCOMBE**

### **James Winchester shot Winster Elkins**

*Vienna Weekly Times* – May 28, 1891

Another Killing in Johnson County – On last Sunday afternoon about one o'clock James Winchester, son of W.S. Winchester, shot and instantly killed Winstead Elkins in the road near H.T. Williams' store in Elvira township. The facts, as we learn them, are about as follows: Winchester and Elkins had had a few short words in the morning, between 11 and 12 o'clock, perhaps, at Mrs. Williams' place, but Mr. Williams had ordered them to keep quiet or get away from his premises. Winchester rode off towards home, at the same time asking Elkins to go with him up the road and they would settle it, or something of the kind. This Elkins refused to do, saying that he wanted no trouble, or words to the effect. Elkins was still at Williams' store about 1 o'clock, when Winchester was seen coming down the road from towards home on horseback. Elkins got down off the fence where he was sitting and said he believed he would go home, at the same time starting in that direction. Winchester came riding by at a rather fast gait and turned down the road in the direction Elkins was going and when about even with Elkins in the road he stopped his horse and after a little pause pulled his pistol and fired. The first shot is supposed to have missed Elkins, but Winchester immediately jumped off his horse on the opposite side from Elkins, stepped around in front of the horse and fired at Elkins again. Elkins started back up the road in the direction he came and had proceeded about thirty yards when he met his brother and one or two others. He said to them, "he has killed me; shot me through the heart," and immediately expired. The ball, of about 38 calibre, had passed in near the left nipple and penetrated the upper part of the heart, as is supposed. Winchester just after he fired the second shot jumped over the fence and ran across the field in the direction of home. He, in company with his father and another, came on to town to have his arm dressed, which he claims was hurt by a rock thrown by Elkins just before he shot him, but his story of Elkins throwing the rock is contradicted by three eye witnesses, who testify that they saw no rock thrown. Winstead Elkins, the deceased, was a son of Jane Elkins, a widow, and is said to have been a very quiet, good boy, while so much cannot be said of James Winchester, he being considered a rough, wild boy. Elkins was about 18 years old and Winchester is perhaps 21 or 22 years of age. Sheriff Ridenhower and Marshal Gore arrested Winchester as he was going from town on Sunday evening and after guarding him all night he



was lodged in jail Monday. At the time of going to press Winchester is having a preliminary trial before Esq. Bridges, in which, as we learn, he aims to show some previous threats by Elkins and justification in killing him, but the general opinion is that he is guilty of murder.

We are sorry to have to chronicle another killing in Johnson; but it is a fact, as we have said before, that the taking of human life is of too frequent occurrence in our county, and something must be done to stop it. A more strict enforcement of the law is what is needed, and this is a matter that rests with the people, and more especially with our juries.

Other news, from an unknown source, was being reported out of Vienna that the two were returning from Sunday School in Buncombe Township, eight miles west of Vienna. This could mean Elvira Township or the Buncombe settlement, which is near to where Buncombe is today. The *Cairo Citizen* reports that Elkins was shot two miles west of Vienna.

The murder occurred on May 24, 1891. A complaint was made by Dock Stewart, who may have been the Constable, before H.T. Bridges, Justice of the Peace. Winchester was ordered to be arrested. At the April term of Court, a Johnson County Grand Jury indicted him for murder.

Winchester's trial was held in June with he defending himself by claiming that Elkins had made threats to him and that he shot Elkins because Elkins had thrown rocks at him, therefore defending himself from an attack by Elkins.

At the end of the trial, the jury, as was traditional with most Johnson County juries, allowed the murder to be set aside and instead convicted him of manslaughter. Their verdict was: "We the jury find the defendant guilty of manslaughter and fix his punishment at imprisonment in the penitentiary for 1 ½ years. Winchester was sent to Chester to serve his short term for killing Elkins.

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### 1891 – MURDER / SUICIDE SOUTH OF CYPRESS

#### John Hartline killed a Miss Thurman and then killed himself

An article published in the *Daily Democrat*, a Huntington, Indiana newspaper, dated October 30, 1891. No local newspapers have been located that printed the story. The story as printed in the Indiana newspaper is as follows:

At Belknap, Ill., Thursday a man named Hartline killed a Miss Thurman, to whom he had been paying attention, and then committed suicide.

The *Cairo Citizen* published the following on November 5, 1891:

The remains of John Hartline who killed a girl and then himself were interred at Mt. Pisgah Cemetery Friday evening. He was a nephew of C. Hartline.

Cases such as this are very difficult to find any information on other than newspapers because they do not go through the court system. Fortunately, one of the writers of this book, while interviewing Mrs. Mary (Peel-

er) Osman at Cypress before she died, concerning another subject, found this to be one of the items that Mary remembered.

Mary Osman remembered a murder occurring south of Cypress where Green Road intersects with West Eden Road. Mary said that her parents were there at the time. The people there were having their wheat threshed and several of the neighbors were there to help as was customary. One of the men or boys that was traveling with the threshing crew had been paying attention to a girl that lived there and the other had also been doing the same. As she related, while they were eating their noon meal in the big house that sat there, the girl came down the steps and one of the boys went to the bottom of the steps and shot her, killing her. Mary said she did not remember the girls name but the boy's name was Hartline.

The cemetery marker at Pigsaw Cemetery, placed at the grave has the following printed on it: J.F. Hartline, born Oct 8, 1859, died Oct 29, 1891, aged 32 yrs, 21 ds.

The identity of Miss Thurman could not be determined.

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## 1891 – MURDER AT SIMPSON SPRINGS

### Dixon, Dixon, Jones & Harris charged with killing John A. Simpson

Another murder, this time from the Simpson area, dominated the news in Johnson County in late 1891. The *Vienna Weekly Times* published the following story on December 17, 1891:

#### Foully Murdered

Again we are called upon to chronicle another murder in Johnson county. The report reached town Tuesday afternoon that Jno. M. Simpson, the founder of the village of Simpson, and one of the best and most prominent citizens of Simpson township had been killed. The reports have been somewhat conflicting since, but the main facts in the case as we learn them are about as follows: Mr. Simpson had returned from Metropolis Tuesday morning on the train and walked out to his home at Simpson Mineral Springs reaching there between ten and eleven o'clock. He had been at home but a short time when old man Dixon, his son Charles and two other young men named Goin Harris and Henry Jones came up and called him out to the fence and raised a row with him. The elder Dixon struck him in the face with a rock, or sling shot, perhaps, knocking him down, and from this all parties pulled their pistols and commenced shooting; several shots were fired and Simpson finally retreated into his house, it is supposed to get more cartridges, but fell on the floor and expired in a few moments. He was shot through the bowels. Only one shot took effect and that is thought to have been fired by Henry Jones. The cowardly murderers escaped into the surrounding bluffs and at this report (Wednesday afternoon) have not been captured. Mr. Simpson had many friends and the whole neighborhood and country, in connection with the sheriff and his deputies, have turned out to hunt them.

We understand there had been some previous difficulty between Mr. Simpson and the three young men, growing out of their bad behavior at

church, which took place perhaps the Sunday before. Mr. Simpson was an excellent citizen, and stood on the side of morality, law and order, and we understand, the young men are tough, bad characters. Fellow citizens, something will have to be done to stop so much crime in Johnson county. If the law don't hang a murderer in this county soon, we fear Judge Lynch will. The matter rests with our juries.

The remains of Mr. Simpson will be interred at the Odd Fellows cemetery, west of Simpson, today attended with I.O.O.F. ceremonies. Our Simpson correspondent promises to give an extended obituary of the deceased next week.

Additional information was published in the *Chicago Daily Tribune* on December 17, 1891:

## Story of John Simpson's Murder

He was Shot by Boys Whom He Had Reprimanded for Disorderly Conduct

Marion, Ill., Dec. 16 – [Special] – Johnson County is again the scene of a murder perpetrated yesterday three miles east of Simpson, a small village in the northern part of the county. The fact, as near as can be ascertained, are as follows: A few Sundays ago John M. Simpson corrected a crowd of boys for disturbing worship at church. This made the boys mad and last Sunday several of them went to Simpson's house, surrounded it, and began to use abusive and vulgar language to Simpson. He finally went out where the boys were, when a quarrel ensued, during which Simpson struck one of the boys named Dixon. Yesterday morning young Dixon, with his father, Henry Jones, and G. Harris, went to Simpson's house and called him to the gate. He went out where the crowd was, when they again began abusing him, and finally became involved in a fight which ended by the three boys drawing their revolvers and shooting at him, one of the balls striking him in the back as he started to enter his house. He went on in his house, where he fell and expired. Simpson had a revolver also which contained two cartridges. He fired both of them and had started for the house when he was shot. The crowd at once fled from the spot and made their escape. There were also several other parties who went with the crowd to Simpson's, three of whom were arrested and taken to jail at Vienna. The Sheriff of Johnson County hurried to the scene of the murder and organized a searching party. They have been scouring the country in all directions, but up to the last report had not captured any of the parties. A Coroner's jury was impaneled this morning and rendered a verdict in accordance with the above facts. Simpson was a leading church member and highly respected. He was never known to have any serious trouble before.

At a later date, while the trial against the young men was in progress, the following news clippings were identified. The defense, of course said that they were untrue and falsely influenced the public. They are published here because, even though they repeat the event, they add details that are not known otherwise.

The first is from the *Egyptian Democrat*, a Vienna newspaper, of December 22, 1891:



We spoke last week about the killing of John M. Simpson, but before any of the particulars could be learned. It appears from what we have heard, that Simpson was a law-abiding citizen and had entered and perhaps filed a complaint against the murderers (namely Old man Dixon, his son Charles, Gwin Harris and Henry Jones) for disturbing the peace at a meeting. On Monday morning the parties went to Simpson's residence and called for him, but he had gone to Metropolis. He returned home Tuesday morning and just after his arrival, the parties came to his home again and called for him. He went out to the fence where a quarrel ensued, during which old man Dixon hit Simpson with a rock or sling-shot knocking him down. Simpson got up and fired two shots at Dixon (all the cartridges he had in his pistol) and started to run in the house when he was shot down by some one of the party. The whole community was wild with excitement and a posse of about fifty men, led by the Sheriff, lost no time until the last one was found and brought to jail on Sunday morning. It depends upon our juries as to when this business will be stopped. If we would treat murderers, as they should be treated, there would be fewer murders in Johnson County.

The second clipping is from the *Egyptian Democrat* of December 24, 1891:

John M. Simpson was not a citizen of the town of Simpson, but lived at Simpson Springs, about three miles from there, when he was murdered. This community has been deprived of all civilizing and moralizing influences, having had no public schools, churches or Sunday-schools, until the deceased moved into the community. Thro' his influence, a new school district was formed and a school-house built, in which not only school was held, but church services, Sunday-school and literaries. Three of these defendants, inspired by Satanic influences, deliberately went to work to try to break up the religious and literary meetings. Mr. Simpson entered his protest, but instead of putting a stop to the disturbance they became more bold and insolent, until bad blood was engendered and they went to do Simpson up; and in the melee Mr. S. was shot, in the presence of his wife and children. We hope to see justice done in this matter, and punishment to the full extent. The juries of this county must do their duty, regardless of fear or favor, or the better class of people will have to leave or be imposed upon by the lawless element.

The third clipping is from the *Vienna Weekly Times* of December 24, 1891:

The men who killed Jno. M. Simpson, viz: Thos. Dixon, and son Charles Dixon, Goin Harris and Henry Jones have all been captured and are now in jail. The old man Dixon was the last one caught, being taken in by Wm. Rose, Levi Lay and others Saturday night on the bluff about a mile from his home. Two boys named Cotton and McCormick are also in jail charged with being accessories to the crime, and we understand others will likely be arrested on the same charge. The main facts about the murder, so far as we have been able to learn, are about as we gave them last week; although the evidence in the preliminary may disclose other features in the case. To all appearances it was a cruel and cowardly murder. The preliminary trial came up before Esq. Jas. W. Gore on yesterday, but we go to press too early to give any further particulars this

week. Later – The preliminary was continued until January 20th, 1892, and the prisoners were remanded to jail without bail.

A Grand Jury indictment for murder was brought against Thomas Dixon, Charles Dixon, Henry Jones and Goin Harris for the murder of John A. Simpson that occurred December 15, 1891.

Before the trial, James W. Dixon, a physician from Pope County, said that he was a brother to Thomas Dixon. He also stated that while the fugitives were being hunted, there was a great deal of excitement in the area and that the homes of those being sought were guarded by armed guards. His judgment was that the public had been prejudiced by the many news accounts that had been published. Several others from various parts of the county also stated that the stories they had heard were prejudicial to the accused. The defendants' attorneys made a great campaign about the prejudice of the people because of the popularity of the deceased. It appears that they failed in their endeavor.

The trial was held without leaving any written evidence of what may have been said during the time the case was argued. The jury brought their decision in March 1892. Their decision follows:

We, the jury, find the defendants, Charles Dixon, Henry Jones, Goin Harris guilty of manslaughter and fix their term of imprisonment in the penitentiary at nine years each.

We, the jury, find the defendant Thomas Dixon not guilty.

Thomas Dixon was the father, the one referred to in the news clippings as Old Man Dixon. According to the news reports, he did not carry a pistol. The three younger boys, the ones who did the shooting, were found to be guilty of manslaughter because they all were involved in the shooting. They could have been charged with murder.

The *Cairo Citizen* brought the news of the verdict in its April 28, 1892 edition:

#### The Simpson Murder Case

The trial of the murderers of John M. Simpson who was killed on December 15th last, was concluded in the Johnson County circuit court last week. The jury acquitted Thomas Dixon and sentenced Henry Jones, Goin Harris and Charles Dixon to nine years each in the penitentiary. The Vienna papers don't think the punishment fits the crime.

It appears that a Johnson County jury was finally able to bring real punishment on those that had committed a serious crime. It is unfortunate that the possibility of their prejudice finally brought a real sentence, even though they failed to find the defendants guilty of murder.

A report published in the *Inter Ocean*, a Chicago newspaper, on January 6, 1897, listed Henry Jones, Charles Dixon, and Goin Harris, as being prisoners in the penitentiary at Joliet.

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## **1892 – ATTEMPTING TO PRODUCE A MISCARRIAGE**

### **Joseph and Benjamin Arnett charged**

Some copies of the *Vienna Times* still exist that were published before 1900 but not many. One of those, dated November 15, 1894 has news from the Johnson County Circuit Court. An excerpt from that newspaper contains the following:

The people vs. Joe and Ben Arnett, attempt to produce abortion, verdict of not guilty.

Setting aside the abortion argument that has become so political, these cases will be handled in this book as “the death of a human being at the hands of others.”

The Grand Jury of Johnson County brought an indictment against Joseph Arnett and Benjamin Arnett for attempting to produce a miscarriage upon Alla Hester, a pregnant woman. The miscarriage not being necessary to preserve the life of the woman, occurred on January 1, 1892. The indictment stated that they had attempted to produce the miscarriage using forceps.

Even in court, language was sensitive when describing anything having to do with sexual acts, bodily functions or anything that offensive to people that might be spoken aloud in public. In keeping with this tradition, court documents were not very descriptive in explaining how the Arnetts used the forceps to produce a miscarriage.

An unnamed attorney made a counter argument in favor of the defendants, stating that the indictment was in error. That argument was reduced to writing, stating the following:

This indictment neither describes the instrument nor avers how it was used. Nor does it say [the] character of instrument is unknown. For aught that appears the forceps may have been put in her mouth. ...and in [the] second count even no instrument is named or its use mentioned.

The case was argued before a jury with the the result of a not guilty verdict for the defendants.

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## **1893 – A STRANGE CASE IN SIMPSON**

### **Henry Seibman shot James M. Jones**

The following case is complicated. It is best followed by reading the several news articles as they are published. The first article was published in the *Cairo Citizen* of January 12, 1893.

#### **A Tale of Woe**

#### **An Elopement and the Fate of an Unfaithful Wife**

In Johnson County, eight miles south of Parker City on the Short Line, is the thriving little town of Simpson. This was the home of one J.M. Jones, who lived happily with a beautiful wife and two little ones. But the cruel serpent entered this home, blasting lives and destroying happiness



Adjoining Mr. Jones' was the store of J.W. Browning. He too had a family – a wife and four or five children. But he coveted his neighbor's wife and finally when their actions had aroused the suspicions of those around them, these two, Mr. Browning and Mrs. Jones, eloped one Sunday evening, leaving their once happy homes and going to Oklahoma.

On Tuesday, December 27th, W.A. Rainey, Browning's chief clerk, received the following telegram:

"Miss Vena is dead. Have sent her body to you. Please attend to her funeral. Have her buried at Zion Church – her request. She will be there Thursday night. Please notify her relations. J.W. Browning"

A second dispatch told Rainey to meet him in St. Louis. Rainey did not go, but notified Jones, who had in the meantime removed to Metropolis. Jones found the coffin containing the body of his dead wife in the Union depot, but Browning had received word and did not appear.

The body was brought to Simpson for burial, and when the coffin was opened, it was found that she had been shot in the lower part of the chest, the ball ranging from the right side into the upper part of the bowels. Letters in the coffin said that she was shot accidentally on Christmas Eve, while boarding at Mulhall, Oklahoma, and that she lived 24 hours. Their landlady, while admitting the shooting to be accidental, said Mrs. Jones told her before she died that she did not shoot herself. Browning, after being captured, told two stories, one of which was that Mrs. Jones committed suicide.

Marshal Cox, of Metropolis, arrested Browning in Murphysboro on Friday and took him to Metropolis and then in a buggy to Vienna, in order to avoid the angry Simpsonites. At Metropolis he was visited by his deserted wife and children, who seemed quite indifferent to his fate. Browning was very much frightened, when arrested.

A preliminary examination was held and Browning's bond was fixed at \$100, which was promptly furnished and the bird has flown. The charge against him was fornication. Mr. Jones has commenced legal action against Browning for damages for alienating his wife's affection, and has confiscated Browning's stock.

James Jones' case against James Browning came to court in June. The *Cairo Citizen* was much interested in the case because of the events that precipitated it. Their June 15, 1893 edition related the story, much of it a rehash of the events previously published. Only the important details will be printed here.

### The Famous Jones-Browning Case

Circuit court has been in session during the past two weeks with Judge Roberts upon the bench. A celebrated case was tried last week and a verdict tendered last Friday morning. This was the case of James W. Jones v. James M. Browning, both of Simpson, Ill. They were both formerly merchants and both had families living side by side in Simpson. Browning became infatuated with Jones' wife and finally his attentions became so marked that the suspicions of the neighbors were aroused... ..Mrs. Jones was fooling with a pistol in a hotel in Oklahoma and either accidentally or intentionally shot herself. Browning soon returned to his family, however and again lived with his own wife. Mr. Jones brought

suit against Browning in case for crim con in the sum of five thousand dollars. The case was called for trial last week Tuesday and a verdict was reached Friday morning. The jury awarded Mr. Jones damages in the amount of two thousand dollars. Every possible effort was made by the defense to besmirch the character both of Mrs. Jones, the woman whom Browning professed to deeply love and of Jones, the man whom Browning had so terribly wronged... ...Mr. Jones had been married about two years and had three children – two now living.

This case widened the rift that had been created between Jones and Browning. The *Cairo Citizen* of July 27, 1893 alluded to that divide in the article published that day.

### The Feud at Simpson

The feud at Simpson between the friends of Browning and J.M. Jones respectively seems to be kept very much alive.

Browning first debauched Jones' wife then ran away to Oklahoma with her, then sent back her dead body for burial at her old home. She was probably killed by accident. He then returned. Jones sued him and recovered a judgment for \$2,000. In the trial Browning did everything in his power to besmirch the character of Mrs. Jones and Jones himself.

Recently a man named Henry Seibert who had been a very active witness against Jones in trial, shot him. The wound was believed at the time to be fatal but fortunately, Mr. Jones seems to be recovering. It is a long lane that has no turning, and we sincerely hope that in Browning's case a turn may soon be reached.

The November term of the Johnson County Court brought a Grand Jury indictment against Henry Seibman for assault to murder James M. Jones on July 20, 1893. Seibman's trial was scheduled to be heard during the March term of 1894. The court record shows that the case was finally stricken from the docket on January 13, 1896. No reason was indicated.

Most cases of this type have been omitted from this book where a person was charged with assault with intent to murder because most of those charges are an exaggeration of what occurred. In this case, it is evident that Henry Seibman intended to kill James M. Jones.

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## 1893 – SHOT OVER A WATCH

### Frank Gore tried to murder Joan "Jodie" Hopson

The following case has little information to present but it did happen. The *Cairo Citizen* published the account on May 11, 1893.

#### Almost a Murder

A shooting scrape occurred in Johnson County, three miles west of Vienna, last week, and as a result a young woman named Jodie Hopson is dangerously wounded and Frank Gore is hiding from the sheriff. The Hopson woman ran off about a year ago with Gore, leaving her husband. Recently they returned and William Hartzell aroused Gore's jealousy by his actions. Monday of last week Gore visited the woman and got into a quarrel with her, shooting three times. Two shots took effect, one in her

neck and one in hand. Gore then skilled out and the woman may not recover.

This case is included in this book because it is evident that Gore intended to kill Hopson when he fired three shots at her, hitting her twice.

A Johnson County Grand Jury indicted Frank Gore for assault to murder Joan Hopson on May 1, 1893.

When the trial started, the defense stated that Gore went to Hopson's house and tried to take a watch. Hopson then attacked him with a poker and he shot her.

The jury received the evidence in November 1894 and presented its verdict: "We the jury find the defendant guilty as charged in the indictment and fix his term of imprisonment in the penitentiary at nine (9) years." Frank Gore was taken to the penitentiary at Chester to serve his term of punishment. He was allowed to request a pardon in July 1898. Whether this pardon was granted or not is unknown.

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### **1893 – CHANGE OF VENUE FROM SALINE COUNTY** **Elijah Pierson killed Jonah Dorris**

This case came out of Saline County and is quite interesting. The defense claimed prejudice and asked for a change of venue which was granted. Little reporting was done in the Johnson County newspapers but a clipping from a Saline County newspaper, published in Harrisburg, known as *The Democratic Head Light* was included in the case file. The date is unknown but here is the story as printed. Several misspellings occur in the article, including spelling the defendants name as Pearson, rather than Pierson.

#### **BLOOD SPILT**

**In the Streets of Harrisburg at the Dead Hour of Night**

**Elijah Pearson Takes the Life of Jonah Dorris, as the latter returns from Mound City**

The citizens of Harrisburg were startled beyond description on Tuesday evening to learn that Jonah Dorris, a well respected young man of Independence township, had been shot and instantly killed with a revolver in the hands of Elijah Pearson, a well-to-do farmer of the same township.

The particulars as far as it is possible to learn, are about as follows: Young Dorris had been keeping company with Miss Cora Pearson and Mr. Pearson did not approve of it. He had given his consent for his daughter to go to Mound City on an excursion, with James Pearson and Miss Kate Pickering. The girl had gone to Wm. Pearson's house, a brother of Elijah, to go with them and was met there by Dorris, unbeknownance to Mr. Pearson, her father. When he learned that his daughter had gone with Dorris he became angry, and finally came to town. After the train came in, about 10 p.m., the crowd started up Poplar street, and just as the two couples were at the alley west of the residence of W.H. Parish, jr., two pistol shots were heard and a man and horse seen standing in the street near the alley. The crowd soon gathered and dis-



covered that the young man was dying, and that the other man had mounted his horse and was speeding away. It was soon learned from the young lady that her father had done the shooting, but whether he fired both shots or not there is some question.

So many rumors are afloat that it is very difficult to learn the particulars. Young Dorris had a revolver on his person with one chamber emptied, and it was claimed that Mr. Dorris fired the first shot, but had missed his arm and the ball struck the horse. The coroner's jury examined the horse and found lead in its leg, but how it got there has not been determined. Whether this [\_\_\_\_][\_\_\_\_] shot the horse or not is a question. Some claim the chamber of Dorris' revolver was emptied at Ledford as the train came up.

Squire Miley empaneled the coroner's jury Wednesday afternoon and began to take the testimony. The young lady positively swears that the first shot was fired by young Dorris, her lover. She tells a remarkably straight story all through and it is very difficult to know just what will be brought out in the investigation.

Young Dorris was shot with a 38 caliber revolver. The ball struck him nearly in the center of the breast perhaps an inch toward the right, and ranged through the heart, coming out to the skin under the left arm, the ball going through him, causing almost instant death, so nearly so the young man never spoke after he was shot.

Jonah Dorris is the last one of a family of twelve, a son of William Dorris, and was highly respected and liked by all who knew him. He was sober, industrious and agreeable. He was a christian. Elijah Pearson is a brother of Simp Pearson, of this city; a well-to-do farmer and a gentleman well liked, so far as we know, by all with whom he had acquaintance.

It is a very sad occurrence and a hard blow to all parties interested or concerned. It is sad for the young man that was killed and his many relatives and friends, and almost as much so for the man that did the shooting and his kinsmen.

The body of the deceased was interred at the family burying ground in Independence township on Thursday.

Later: - Since the above was written Pearson has been captured. The party that went out Thursday morning had completely surrounded that section of country in which he was, and was finally met in a lane about two and a half miles west of the Battle Ford bridge by W.F. Ledford, David Fletcher and James Tavender. He was coming down the lane where it made an elbow, and the parties were coming meeting him. When they neared him they spoke to him familiarly, and he answered them say, "Hello boys you can't fool me." They informed him they had no desire to do so and he told them he was ready to go, saying he was a law abiding citizen and wanted to do right. One of the men rode beside him and the other two behind him until they arrived at Mr. Tavender's where they meet some of the party. Constable Sisk asked for his fire arms which he gave up without a word. He was brought to this city and is now in the custody of the sheriff. The coroner's jury has agreed on a verdict, but will not give it out for publication until it has been spread on records.

The Saline County Grand Jury indictment for murder stated that Elijah Pierson killed Jonah Dorris on May 30, 1893. Even though several persons signed an affidavit stating that Pierson would have a fair, unprejudiced trial in Saline County, it was moved to Johnson. The *Cairo Citizen* carried the story in its March 22, 1894 edition:

**Granted a Change of Venue**

Hon. W.H. Boyer, attorney for Elijah Pierson, succeeded in getting a change of venue last Monday from Saline County circuit court to that of Johnson County. Pierson is charged with the murder of young Dorris at Harrisburg last Decoration Day, and the feeling in Saline County is very bitter against him. The case will be tried at Vienna next month.

Any information concerning the conduct of the trial is absent, but the verdict was as follows: "We the jury find the defendant guilty of murder as charged in the indictment and fix his punishment at confinement in the penitentiary for the term of fourteen years."

The *Cairo Citizen* published the news concerning the verdict in its April 19, 1894 edition:

**The Pierson Murder Case**

The Pierson murder case came to an end last Friday and resulted in a verdict of fourteen years in the penitentiary. This case was taken on a change of venue from Saline to Johnson County and was tried at Vienna the greater part of two weeks. It was hotly contested at every point and it is generally believe that the verdict of the jury in giving the defendant the lowest penalty for murder is a big victory for the defense, as on good behavior Pierson can get off on eight years and three months. Hon. W.H. Boyer of this city was the principal attorney for the defense.

Jonah Dorris was born in 1874. His death came at the age of 19 years.

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**1893 – CHARGED WITH MANSLAUGHTER  
Will Steel stabbed Ernest Lee**

George Robison made a complaint to Justice of the Peace H.T. Bridges that Will Steel had made an assault to kill and murder Ernest Lee with a knife, cutting him on July 15, 1893. Bridges issued an arrest warrant for Steel. Steel was arrested and brought before Bridges. He was taken to jail and put under guard of Alex Hess to have his case brought before the circuit court in November. The document stating that Ernest Lee could not live.

At the November term of the Johnson County Circuit Court, a Grand Jury indicted Will Steel for murder, the indictment stating that Ernest Lee died on the same day that Steel had stabbed him. Steel was brought before the court where he made a plea of guilty for manslaughter on November 23, 1893. He was sentenced that day to ten years in the penitentiary at Chester.

A receipt for prisoners from Johnson County was issued by the Southern Illinois Penitentiary at Chester on November 27, 1893 to R.R. Ridenhower, Sheriff of Johnson County. Among them was Will Steel.

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## 1894 – KILLED A DEPUTY SHERIFF

**Chas. F. Dunn and Jas. A. Rodgers killed Robert Kelley**

News from the *Inter Ocean*, a Chicago newspaper, brought the readers a story from Johnson County. Local newspaper that might have published the account did not survive. The article, which misspelled Charles Dunn's name, evidently from a Cairo newspaper was published in March 14, 1894:

### His Big Feet Betrayed Him

Charley Dun, a Johnson County Giant, Held for the Murder of an Officer

Cairo, Ill., March 13 – Special Telegram – Charley Dun, of Johnson County, was brought here last night and lodged in jail, charged with the murder of an officer Monday night. The smokehouse of John Watson at Goreville was robbed. Deputy Sheriff Robert Kelly in searching for the stolen meat found it concealed in a straw stack. Thinking to catch the thief Kelly and three other men concealed themselves in the straw to await his coming, but went to sleep. The thieves came, and in getting out the meat awakened Kelly.

The thieves fired on him and fled. Kelly was badly wounded and died shortly afterward. Search was made for the murderers, and in the soft earth were found foot tracks of two men. One wore large boots and the tracks measured 13  $\frac{1}{2}$  inches long. Yesterday Charley Dun, who is 6 feet 7  $\frac{1}{2}$  inches tall, and Jim Rodgers went to Vienna to appear before court and answer to a charge of carrying concealed weapons. While there the news of the shooting reached town, together with the account of the huge footprints. Dun and Rodgers were at once suspected and arrested. Their boots were found to measure exactly the same as the tracks did. Rodgers was placed in jail, but the feeling against Dun was so great that the sheriff determined to bring him to Cairo for safekeeping. Taking advantage of an unguarded moment Dun made a bold dash for liberty, and was recaptured after a most desperate chase. He was then securely ironed and brought safely to Cairo.

The *Cairo Citizen*, published the following day, March 15, condensed their version of the news but did add the following which was missing from the *Inter Ocean* account:

One ball struck Mr. Kelley in the head and he died from the wound Monday. Charles Dunn and John Rodgers of that community have been arrested charged with the killing and there are strong circumstances point to their guilt.

The first criminal case that was brought against Charles Dunn and James A. Rodgers was a complaint filed by Ambrose Burns on October 13, 1893. It stated that the pair had stolen "four bottles of pop of the value of twenty cents, and half dozen oranges of the value of twenty five cents, the goods and chattels of Burns and Hartzell were feloniously stolen and taken and carried away." They were charged in Justice of the Peace court with petty larceny.

Dunn and Rodgers were indicted for the killing of Robert Kelley by a Johnson County Grand Jury during the March term of the Circuit Court. The indictment states that the crime occurred on March 13, 1894. On Janu-



ary 19, 1895, court had finished four days of testimony and the jury brought the verdict. It read:

We the jury find the defendants Charles F. Dunn and James A. Rodgers guilty of an assault to murder as charged in the indictment, and fix the punishment of each defendant at imprisonment in the penitentiary for the term of seven years.

Attorneys for the defendants moved for a new trial. They further challenged the verdict with a bill of exceptions. On May 7, 1895, the Supreme Court issued a reversal, stating, "In this, the evidence does not sustain the verdict found by the jury." No record can be found to reveal what happened to the two prisoners after the reversal but the *Vienna Times* of March 22, 1900 has the following:

The tallest man in prison is said to be Chas. Dunn. He is six feet four and one-half inches tall, and seems a giant in comparison with the ordinary convicts about him. He is serving his second term in this prison, his crime being burglary. He was sent up from Johnson County.

The case of burglary against Charles Dunn was also brought against three other persons. The verdict of the jury in the burglary case was: "We the jury find the defendants guilty as charged in the indictment." This is not the last the public will hear of Charles Dunn. He would get out of prison and make news again.

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## 1894 – MURDER NEAR SIMPSON

### Thos. D. Murrie & Stephen Keltner charged with killing Willie May

The *Vienna Times* published on August 30, 1894 reported an incident that occurred on August 28th.

#### Another Killing

The report comes to town that Willie May was shot and killed, in Mrs. Keltner's cornfield, a mile or so north of Simpson, on Tuesday evening. He was shot about sundown, and was not found until the next morning, it seems. A coroner's inquest was held yesterday, and returned a verdict that the deceased came to his death by a gunshot wound at the hands of unknown parties. His breast and face were filled full of buckshot, so we understand. There is strong suspicion against some parties, it is said, but no arrests have been made at this writing of which we have heard; but there will likely be soon. We have heard considerable of the particulars, but as the reports conflict somewhat, we refrain from going into details until next week, when more of the facts will be known. There is a woman mixed up in the affair, according to reports; and, perhaps, some very good citizens will be implicated. Willie May was a young, unmarried man, son of Joseph May, an old veteran of that neighborhood, and bore the reputation of being a hard-working and an honest boy. 'Tis sad, and 'tis bad. We don't like to chronicle such deeds, especially those happening in Johnson county.

The following week, the *Vienna Times* brought more news. This is from their September 6, 1894 edition.

Sheriff Ridenhower and his deputy, W.H. Carter, went out yesterday and arrested Tom Murrie and Steve Keltner on the charge of killing Will May, near Simpson, on Tuesday of last week, and they are now here being guarded pending a preliminary before Esquire Bridges tomorrow. We will wait until next week to give any further particulars in this case – to see the results of the preliminary and get the sworn evidence and facts in the case. From what we can understand the coroner's inquest held on Wednesday over the body of May was considerable of a farce, and the coroner failed to do his duty in some particulars. The State's Attorney and Sheriff were not notified until after the inquest was held and the body buried. The interment took place at old Reynoldsburg on Thursday. May was not considered a bad man, and if he was foully assassinated by a plot, as charged, the perpetrators ought to be made to suffer the offended law.

The *Vienna Times* followed up with more on the story in the next issue published September 13, 1894.

The preliminary trial of Thos. D. Murrie and Stephen Keltner, charged with the murder of Willie May, came up before Esq. H.T. Bridges on last Friday; but the defense took a change of venue from Bridges to Esq. Ballowe., subpoenaing 'Squire Crum, the nearest justice to Bridges, as a witness in the case. State's Attorney Gillespie examined two or three witnesses before Esq. Ballowe on Friday; but dismissed the case before Ballowe and brought it before Judge Murray on Saturday morning. Two or three witnesses were examined before Judge Murray on Saturday; but on account of the Republican speaking in the court room in the afternoon a continuance was taken in the case until next Monday, Sept. 17, when the preliminary will be resumed before the County Judge. The Judge admitted the defendants to bail in the sum of \$5000 each until next Monday. There are some 30 or 40 witnesses for the people, and, perhaps, almost as many for the defense. The attorneys for the defense are Spann & Sheridan and L.O. Whitnel, while State's Attorney Gillespie is going it alone. The report is that Mr. Keltner will be able to prove an alibi.

The court record file for this case has not survived. No documents concerning this case have been found. The involvement of several Justices of the Peace may explain the lack of documents but according to the newspaper, the case was then handled by the County Judge, which should have produced some file documents. Newspaper accounts that could have added additional information have not survived, leaving little for researchers.

One clue that might reveal some details is a news account concerning a reward offered for the murderer of Willie May. The *Inter Ocean*, a Chicago newspaper, contained the following article on September 6, 1895, almost one year after the event happened.

#### Governor Altgeld Takes Action in the May and Adams Cases

Springfield, Ill., Sept. 5 – Special Telegram – Governor Altgeld today offered a reward of \$200 for the arrest of the murderers of William May, who was killed July 24 near Simpson Station, Johnson County; also \$200

for the arrest of the murderers of Frank Adams, who was murdered at Tunnel Hill, Johnson County, Aug. 22.

The reward offered, although it had the wrong date of the murder, could indicate that the two men initially charged were no longer considered suspects.

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## **1894 – A SHOOTOUT ON THE STREETS OF VIENNA**

### **Alexander Hess and Harvey Bratton shot Eli Ballowe**

The citizens of Vienna became aware that evil was among them on the evening of Sunday, September 30, 1894. The *Vienna Times* of October 4, 1894 reported the story.

#### **E. W. Ballowe Shot and Killed**

On last Sunday night, just before 8 o'clock, Eli W. Ballowe was shot down in the street, in front of F.M. Simpson's drug-store, and expired immediately. He was shot twice in the breast, one ball piercing his heart. He was in difficulty with Alex. Hess at the time, and Hess claims to have shot him in self defense. A coroner's jury was empaneled at once, 'Squire Bridges acting as coroner, and after being in session Sunday night and Monday, hearing evidence, they returned a verdict Monday evening, which was in effect that Ballowe came to his death from pistol shot wounds at the hands of Alexander Hess, and holding him (Hess) as guilty of manslaughter. There is considerable evidence and other details connected with the case, which will likely be brought out in the final trial, that we will not attempt to publish at present. It seems that the beginning of the trouble, Sunday night, came up between George Robinson (col.) and the Hess brothers, Alex. and Herb.; and that afterwards the Hess boys and Harvey Bratton met up with Eli and John Ballowe in the street, south of John S. Bridges' furniture store, where a general fight occurred in which pistols, scale weights and clubs were used, about four shots being fired. Alex. Hess and Eli Ballowe were both hurt here, Hess receiving one or two glancing shots and Ballowe getting a blow on the head that fractured his skull, perhaps; but they were separated before anybody was killed. The Ballowe brothers went on around by Dr. Bratton's residence, and in coming back en route to the Doctor's office they came across Alex. Hess standing in front of F.M. Simpson's drug-store, and here another shooting-scape took place, in regard to which the evidence of Hess and his friends and Ballowe's friends greatly differs. But it was here that Ballowe received his death wounds, and there must have been at least ten or a dozen shots fired in very rapid succession; the bullet-marks in the building on each side of the street showing that there was firing both directions. Ballowe's friends claim that he never fired a shot and had no pistol; and Hess claims that Ballowe fired the first shot and fired twice after he fell. There are, perhaps, four or five eye-witnesses to the shooting, but they differ considerably as to the evidence.

There has been a grudge between these parties ever since Hess was Marshal of Vienna, during which time he had occasion to arrest Ballowe



a few times; and, really, the trouble didn't come any sooner than a great many people expected.

Hess came in Monday night and surrendered to the officers, and is now in jail waiting for Judge Vickers to come and fix the bail, which he can, no doubt, give without any trouble. He is said to be shot and slightly wounded in two or three places.

Ballowe was buried beside his parents at the Chapman grave-yard, in Tunnel Hill township, Monday afternoon. His character and life are very well known to most of the people of Johnson County. He was justice of the peace at the time of his death, and was a leader among his friends, of whom he had many. He was in some respects an extraordinary man. About the worst that can be said of him is that he didn't have enough respect for law and order. He leaves a wife and five children – three girls and two boys; and a very excellent woman is his wife – who should and do have the respect and sympathy of all. It is, indeed, a sad affair and one to be regretted; and as to whether the killing was justifiable, we leave for the courts to decide.

The *Cairo Citizen*, published on October 4, 1894 took a more direct approach in reporting the news and made some details even easier to understand than the *Vienna Times* article. The *Citizen* had the following article:

#### Terrible Affray at Vienna

A terrible shooting affray occurred at Vienna Sunday night, resulting in the instant death of Eli Ballowe. Alex. Hess did the shooting as the culmination of an old grudge, which grew out of the arrest of Ballowe by Hess and his conviction on several charges. It is said that Hess first struck Ballowe over the head fracturing his skull and leaving a fatal wound. Ballowe was able to go for a doctor, and not finding him started for another. He met Hess in front of Simpson's drug store when Hess drew a pistol and shot him, killing him instantly. The affair occurred about 7 o'clock in the evening and a great many shots were fired, unknown parties under cover of darkness assisting in the skirmish of pistols. Ballowe received five balls in his body, and Hess was hit in the back and on the hand.

There seems to be considerable mystery about the tragedy, but Ballowe was a very bad man and while Hess may not be able to prove self-defense, the community was glad to be rid of a bad man.

The *Jonesboro Gazette* published an account on October 13, 1894, reminding the readers that the Union County newspaper had more than once alluded to Johnson County as a "bloody" place to live. They made a mistake concerning the date of the event in this article.

Bloody Johnson records another fatal shooting affray. E.W. Ballowe was shot and killed by Alex. Hess at Vienna on the night of the 22d ult., as the outcome of a general row. Ballowe was a justice of the peace. Hess was at one time marshal of Vienna and had occasion to arrest Ballowe several times, and, it is thought the bad blood engendered then led to the shooting.

A search of the Johnson County criminal records reveals cases such as gambling, selling liquor without a license and perjury charged against Eli

Ballowe. Another case, disturbing the peace, where he and his brother, John, as well as W.J. Johnson and William Steel, were charged, may be the one that was mentioned as creating the bad blood between Ballowe and Hess.

A bench warrant was issued for the arrest of Alexander Hess, Herbert Hess and Harvey Bratton to be brought before a special session of the Grand Jury. The Grand Jury met in November and brought an indictment against the three for the murder of Eli Ballowe on September 30, 1894. The trial was held in July, 1895.

The *Cairo Citizen* of July 25, 1895 brought news of the trial.

## The Hess Murder Case

The famous Hess murder case is on trial at Vienna this week, and will probably continue through next week as well, for a large number of witnesses will be examined. The style of the case is *The People vs. Alex. Hess, Herbert Hess and Harvey Bratton; murder*. Judge Boggs of the appellate court is on the bench and all the legal talent of Johnson County are arrayed on either side. Judge Youngblood, of Carbondale, assisting in the defense, and Hon. W.S. Morris, of Golconda and Hon. John Parrish, of Harrisburg, being retained by the prosecution.

The details of the tragedy of last September, when Eli Ballowe was shot to pieces in a street fight, are probably familiar to a large number of the readers of *The Citizen*. The attorney for the defendants will attempt to prove that the homicide was committed in self-defense. Great interest centers in the trial from the fact all the parties implicated have large connections throughout Johnson County.

Public interest in court cases of this nature were attended by many curious citizens of Johnson County. The *Cairo Citizen* also kept up with the trial with great interest. Their August 1, 1895 edition brought the news.

## The Hess Murder Trial

Old citizens of Johnson County say that the murder trial now in progress there has attracted a great number of people and aroused more interest than any trial that has ever been held in the county. The country people come in great crowds, bring their dinners, and picnic in the courthouse yard. They take turns in listening to the lawyers questioning the witnesses. Every seat is occupied and all available floor space, many witnesses and spectators sitting on the floor inside of the bar. Even the lawyers in the case take turns about using what few chairs are furnished by the court officials, the other fellows having to take the floor.

Judge Bogge, of Fairfield, is on the bench and his rulings and expeditious conduct of the case give satisfaction to all parties. Public sympathy is divided, and what the verdict will probably be is a matter of conjecture. A hung jury is predicted by many. Today will be taken up in arguments of the many lawyers and the case will probably go to the jury tonight.

The verdict finally came with people from all over the county waiting to hear from the jury. The *Cairo Citizen* of August 8, 1895 brought the story of the results of the trial.

### Hess Murder Trial

After being out for more than twenty-four hours, the jury in the Hess case at Vienna brought in a verdict of guilty as to Aleck Hess and Harvey Bratton, with fourteen years in the pen for each, and of acquittal as to the other defendant, Herb Hess. This is regarded as a compromise verdict and is not satisfactory to the friends and sympathizers of either the prosecution or defense; the former regarding the punishment inadequate to the crime, the latter believing that a clear case of self-defense has been established and that the defendants should all have been acquitted. A motion for a new trial was immediately filed, argued and overruled by judge Boggs, and the defendants called to the bar and sentenced.

On Friday morning they were taken to Chester by the Sheriff after a sad and very affecting farewell to their friends and relatives. Nothing is said by the attorneys for the defendants as to what further steps will be taken by them on behalf of their clients, but it is believed that every effort and resource will be exhausted to break the effect of what they regard as a crushing verdict, the result of passion and prejudice. In the meantime the atmosphere of Vienna has cleared up considerably and the law-abiding citizens of Johnson County look forward hopefully to a period of immunity from homicides and stricter enforcement of the laws.

The *Decatur Daily Republican* of Decatur, Illinois was always a reliable source of news from prisoners and their efforts to get pardons. The July 15, 1897 edition brought some news concerning Alexander Hess and Harvey Bratton.

### Board of Pardons

Springfield Journal: The pardon board yesterday heard arguments of... by Hon. W.A. Spann and States Attorney Gillespie in favor of Alexander Hess and Harvey Bratton, convicted of manslaughter in the Johnson county circuit court...

Nothing is known beyond this bit of information.

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## 1895 – MURDER AT TUNNEL HILL

### Levi and Mark Lennon killed Frank Adams

Extensive research has turned up no news clippings involving the murder of Frank Adams at Tunnel Hill on August 21, 1895. The only information available in the court file includes a Grand Jury indictment for murder against Levi and Mark Lennon. The indictment states that they shot Adams and inflicted ten bullet wounds. Although not stating what type of weapon was used, it must have been a shotgun loaded with buckshot. The indictment says that Adams was hit in the head and breast, killing him instantly.

Without news accounts it is difficult to understand what actually happened. One news clipping that has been found locates the murder at Tunnel Hill. The *Inter Ocean*, a Chicago newspaper, published the following on September 6, 1895.



### Governor Altgeld Takes Action in the May and Adams Cases

Springfield, Ill., Sept. 5 – Special Telegram – Governor Altgeld today offered a reward of \$200 for the arrest of the murderers of William May, who was killed July 24 near Simpson Station, Johnson County; also \$200 for the arrest of the murderers of Frank Adams, who was murdered at Tunnel Hill, Johnson County, Aug. 22.

From the above news, it may be assumed that the murderers of Frank Adams were unknown or were not arrested before September 5, 1895.

Levi and Mark Lennon were arrested and at the end of the trial, the jury verdict is stated as follows:

We the jury find the defendants guilty of the crime of murder and we fix the punishment of the defendant Mark Lennon at imprisonment in the penitentiary for the term of 16 years and we fix the punishment of the defendant Levi Lenon at imprisonment in the penitentiary for the term of 16 years.

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### 1896 – KILLED BY A DEPUTY SHERIFF A.D. Stanley shot John Austin

This account of a person dying at the hands of another concerns a man shot and killed by a Deputy Sheriff, evidently doing his duty as an officer of the law. The only news account of this is from the *Jonesboro Gazette* of July 25, 1896.

A negro man named John Austin was shot and instantly killed by Deputy Sheriff A.D. Stanley of Johnson county at Vienna on the night of the 12th. A coroner's jury exonerated Stanley.

No information has been located in the county court files. A.D. Stanley, as identified in this article, is Adolphus D. "Dolph" Stanley of Goreville Township.

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### 1897 – THE MYSTERY OF JOE JONES OF WEST EDEN

The stories told when people gather, concerning the lore of days gone by, are often passed from generation to generation. One such story that was told many years ago in the community where the authors of this book live is about a man named Jones. Ed (author) heard this story from his grandmother, Lillie Annable, when he was young. Most of today's generation have not heard this story. Ed says that he heard it so many years ago, that he does not remember enough of it to repeat.

John Allen, a historian of the Lore of Southern Illinois, published stories periodically in newspapers throughout this end of the state. One story that he published concerned the mysterious Mr. Jones. This one appeared in the *Mt. Vernon Register-News* on September 17, 1959. Because we cannot use complete articles from newspapers at this late date due to copyright infringement, this account will be paraphrased. The article originated out of a

visit that John Allen did to Cypress where he met Ralph Canupp, one of the long-time residents.

Canupp told about a man by the name of Joe Jones who lived near the West Eden Church. Joe Jones was killed one day and the mystery as to who did it was never solved. It seems that he was found to be missing and neighbors began to look for him. The first thing they found was his team of horses with their throats cut and dead. This was supposed to be on the hill behind his barn. They searched farther away and found Joe Jones, also with his throat cut, about a mile away from his home. There were no clues to indicate who might have done it.

Canupp added that some people thought they had identified who did it when a certain, unnamed man, lay dying on his bed and kept mumbling, as to himself, the name "Jones." All those gathered around the dying man thought he might have been confessing to the murder.

A detail that differs in the way Ed, the author, heard it was that the team and wagon were found where the Dongola to Cypress road crosses Cypress Creek about a mile inside Union County. Another account identifies Jones' location when he died as being several miles east of Dongola, which would have placed it where Ed had heard.

The house that Mr. Jones lived in stood empty for many years and was considered to be haunted by some who lived in the neighborhood. This may have been to keep young people from venturing there.

The mystery of the death of Joe Jones has been solved. The *Cairo Citizen* of March 25, 1897 had the following story.

Joseph Jones committed suicide by cutting his throat with a razor last Sunday night at the Henry Felker farm, about six miles east of Dongola. The coroner was notified and an inquest was held, a verdict being rendered in accordance with the above. Mr. Jones was a well-to-do farmer living on the Belknap road in Johnson County. He leaves a wife and one daughter. He was about forty five years of age and was said to be mentally unbalanced at times. This fact is supposed to be the cause of the suicide. The remains were interred in the West Eden Cemetery Tuesday.

The death of Joseph Jones occurred on March 21, 1897. His home was located between the Lincoln Green Road and the top of the George Bluff, near the east end of that bluff.

We included this story of a suicide, stepping outside our criteria to be included in this book, because for many years, his death was considered to be a murder.

## 1897 – SHOOTOUT ON A FRIDAY NIGHT IN VIENNA W.T. "Buck" Johnson shot Samuel "Dote" Wallace

The citizens of Vienna stirred to life on a Saturday morning in 1897, and soon the whole town began to realize what had happened the night before. The *Cairo Citizen* brought the story on July 22, 1897, almost a full week after the incident. The *Vienna Times* for that week has not been located, but it appears that the following article may have originated in that paper.

## Homicide at Vienna

### Samuel Wallace Shot and Killed by Buck Johnson

Vienna, Ill., July 21 – Not since the killing of Eli Ballowe, about three years ago, has our city been thrown into such a state of excitement as it was last Friday night about 10 o'clock. There is in East Vienna a house just south of the depot known as the section house, but circumstances point very strongly to it as a place of immorality. It was at this place on the night of the 16th instant, Samuel Wallace, not yet 21 years of age, and Buck Johnson, our street inspector, met in company with others. Liquor and women, it seems were the attractions that drew the crowd. Wallace and Johnson had been pronounced enemies for a long time. Johnson claiming that Wallace and his daughter, "Code" Johnson, were criminally intimate, and to make a long story short, the place and its surroundings seemed very favorable to them to make a final settlement of their differences. A quarrel ensued, advances were made, three or four shots were discharged. Wallace fell, Johnson ran away, one bullet entered Wallace's cheek glancing slightly and entering the spinal column just below the neck. A second bullet entered his left breast just above the heart severing the main artery, and poor young Wallace lay a corpse. It is said that either of the shots would have proved fatal. Immediately after the shooting, Johnson fled, and up to this writing is still at large. A coroner's jury was impaneled Saturday morning, adjourned in the evening till 9 a.m. Monday. They were again all day in session Monday, returning a sealed verdict late in the evening. This was a sad affair indeed, and has excited the sympathy of the entire populace. Both families are well connected. Young Wallace was just entering manhood with a life buoyant with hope; and although given in a great degree to the ways of the world he had the wholesome counsel of a Christian mother and the advice of a fond father, but alas, he is dead! May He who said, "I will have mercy upon whom I will have mercy," have mercy upon his soul.

Johnson, too, has many friends, was considered a good citizen, provided well for his family, but it is said he led an immoral life to some extent. His daughter, Code, about whom the difficulty arose had strayed from the paths of virtue and was the mother of two children born out of wedlock. Her father took the first child to raise, but she became so notorious that he drove her with her second child from his home, and she continued to revel in the haunts of wickedness. Although her father had abandoned her it seems that she still occupied considerable of his thoughts and he had warned Wallace against having any intimacy with her. Upon the night of the fatal occurrence above narrated the girl was present, it seems, in company with Wallace and the dreadful difficulty ensued. It is impossible to get a correct report of the killing. The coroner's jury met with closed doors with only the witnesses, some five or six allowed to be present, and they will not divulge anything outside.

Samuel Wallace's remains were followed to the cemetery last Sunday morning by a very large concourse of sorrowing friends and relatives. Funeral services were conducted by Rev. Marlow of the Christian church, assisted by Rev. Ford, of the M.E. church.



### Buck Johnson Surrenders

A dispatch from Vienna to *The Citizen* says that Buck Johnson went into Vienna yesterday afternoon and gave himself up. The preliminary trial occurred today.

The coroner's investigation into this case was preserved well. Questioning of thirteen witnesses was documented. The following is an abbreviated version of their statements. This gives the readers an opportunity to follow the investigation as it unfolded.

E.R. Leonard – age 34 years – lives 6 miles north of Vienna – is a commission merchant. I did not see him. When my attention was first attracted to Wallace's being here, I was sitting on top of the well to the north side of the section house. Someone in the crowd said Doll Wallace and Cora Johnson were there. Buck was fussing with them. They were west of me some distance, don't know how far. I heard no loud talk from either of them, and understood nothing that was said. In a few minutes I first recognized Harry Carter pass me and go on the east side of Henderson's house, then followed by Cora Johnson in the same manner, then I said I did not know. This conversation took place while walking in a westerly direction. We kept that direction or nearly [sau?e] slowly along until we reached the street between the old cottage hotel and where Billie Anderson used to live. We stepped off on south side of crossing and talked a few minutes – probably 3 or 4. Mr. Johnson left us there went as I supposed home. Mr. Redden and Mr. Carter went back to the depot. Mr. Dooley, Mr. Hooker and myself came on west to town. I don't know what became of them at that time. I passed up around the street north and west to some place near Frizzell's store. I then met 5 or 6 men, Berb Stanley among them. He was talking race horse and someone stepped up and said there was a man killed at the depot.

Randolph Redden – age 48 years – live south of town  $\frac{3}{4}$  of a mile – stock and grain dealer and farmer. I think it was about 9:15 or 9:30. We had gone over from the apple house. The first I noticed two men and a woman on the railroad switch or about there. When I first noticed them I did not recognize them. For some time I had gone to the well and my attention was attracted by some loud talking. I asked someone I do not remember who, who it was. They answered me it was Buck Johnson, Cora Johnson and Dote Wallace and there was likely to be some trouble. I think it was Charley Carter that said there was likely to be trouble. After they had remained there for a short time perhaps one half minute or so a little long they walked toward the main railroad house, the three. Someone of the three, I don't know who, seemed to be trying to stop the trouble. Buck stopped about the well. I was sitting on the curbing of the well. Cora and Dote moved on by the well going in the direction of the section house. There was only one word I could understand distinctly enough to know what was said, that was said before they got up to the well. Someone said you are too drunk to have any trouble here and let him alone. I could not say which one said this. And the other said I am as drunk as you are. Buck had stopped by the well and the other parties had passed by. Someone remarked lets go home boys. We started this way, myself and Gene Leonard started first. I think Charley Carter and

Tom Hooker was next and perhaps Buck with them. They had not gone but a few feet when they stopped Carter. Johnson and Hooker, me and Leonard still come along I think 15 or 20 steps and the shooting begin. I stopped and turned around, saw the flash of two shots going in the direction of about where we had come from. There was more shots than that fired I think. Buck Johnson come running by us with someone else. I think it was Tom Hooker and someone ran toward the north that I took to be Carter. About the time Buck and the fellow passed us, Buck said, Boys I have done it, but did not stop. We stopped there long enough to find out who was shot. Then we went over to the Public road leading to town or about the walk. We found Buck Johnson there. He had his pistol in his hand and seemed to be excited. He said in substance, Boys I have shot him and I am going up now and give up. He started off up the walk in a hurry almost a run. We followed him, and he stopped just this side of the bridge and was talking to some parties. I do not know who they were. Before we got up to him he moved on and we overtook him again this side of the bridge. He said Boys it is no use in following me. I am going on and give up to Whitehead. We followed on after him until we saw him turn into the street between my father's and Anna Burnett's. Myself and Charley Carter turned to go back to the depot after we had talked a few minutes. Gene Leonard and someone I do not remember who, came on to town.

Sam James – age 32 – lives at Carmi, White Co., Illinois. I am not acquainted here but very little. An acquaintance of mine here whose name I do not remember, invited me to go to the depot last night and drink some beer. We went down that way in the neighborhood of 10 o'clock. Found a number of people in the Apple House drinking beer. Buck Johnson was among them. I stayed there but a short time and then started to my camp near the fair ground gate. About that time, Johnson said, Let's go over here and have some fun, and as I started away, he and some others moved off of the platform in the direction of the depot. I went south to the sidewalk and then toward town. I saw a man and woman sitting against the fence about one half way of the meadow field on the left. A couple of shots were fired about where they were. I noticed them and saw the deceased after he was killed. I think the man I saw with the woman was the man that was killed.

Cora Johnson - age 22 - staying at Jas. Whiteheads for about 11 months and at T.J. [Pankers?] for about a week.

Q – You may tell what occurred when you met your father.

A – He first said sis you go back up in town and act like a lady. This is no place down here for you. Dote said it is none of your business where we went. He said both of you go up in town and don't acting the fool. Dote said it was none of his dam business what we done and pa said well go on back up in town now. I don't want to have any trouble. He said I would get down on my knees before I would have any more trouble. Then I took hold of Dote's arm and told him to come on and he told us to let loose for he was not going to run. Pa told us to let loose of him and go on home to the baby. It would be crying. We went on up to the well and he stopped and he was talking to Charley Carter and wanted Carter to go and get some beer. There was a large fellow spoke up and said

there was no beer there. If there was he could have it. Dote said the lamp went out very quick over there. I told him to come on and go and Carter told him to go on with me. He said he would be there in a minute. And Frank Hogg stepped up and called him Jack and said let's do him up, then they started back down that way, then I run into the house. After that time the shots were fired. Someone run in and said Dote Wallace was dead. And I lifted him up as soon as I could get out there. He looked straight at me like he tried to speak. Then Buck Carter lifted him up. Buck said, Oh, he is dead and then he run up in town to tell his folks.

Bertha Carlton – age 20 – lives in Vienna. I was at the section house. I saw Buck Johnson near there between sundown and dark. There was no one at Henderson's except the home folks. I did not see Dote Wallace before he was killed. I heard no loud talking nor no threats. There was about 4 shots fired. Am sure there was 3 or more. I did not see the shooting. I did not see anyone leaving the body. Cora Johnson, Mary Brewer and Mrs. Henderson was with the body when I went out to street. I did not see any pistol in Wallace's possession or near him. This all I know about the affair.

Mary Brewer – age 19 – lives at Crossville, White County, Illinois. I was at the section house. I saw Dote Wallace standing on the railroad crossing of the switch with two other parties. One of them was Cora Johnson. I do not know who the other party was. I went to the front porch to see Cora Johnson. She insisted on someone going to get Dote. And soon the shooting begin. I did not see any shots fired nor no pistols as any time. I heard no loud talking. I saw no pistol in Wallace's possession nor about him after he was killed. There was no one by Wallace except Harry Carter and Cora Johnson. I did not see anyone leave Wallace after he was shot. This is all I know about the affair.

Frank Hilboldt age 28 lives at Dongola, Illinois works at buying apples. Mr. Johnson had left the apple house before I left and when I came over near the crossing I saw Mr. Johnson standing on the crossing of the switch talking to the man that was afterwards killed and the girl was standing by. I did not hear what was said. I passed on around in front of the section house near a telegraph pole. Presently the girl and the man who was killed came around there also. The man then turned back around the north side of the section house and after he had had time to walk about 20 steps the shooting begin. I saw none of the shooting and saw no revolvers. At the time Johnson was standing on the crossing he had a stick in his hand. I heard nothing that was said by either of the parties. There were 4 or 5 shots fired. I know nothing else concerning the matter.

Millerd Henderson – age 28 – lives in Vienna. I saw Johnson after dark. I did not see Johnson and Wallace together. I did not know there was any trouble at hand until I heard someone remark there was going to be trouble. I don't know who it was. I started to the front porch and heard the shooting begin. I ran to the north end of the porch. Saw the flash of the last shot but could not say who was doing the shooting. I heard no loud talking nor threats. I did not see Johnson after the shooting. There was as many as three shots but I could not certify to any more. I saw no pistols at all during the evening. I saw nothing in Wal-



lace's possession except a bottle, looked to be a whiskey bottle, laying by the side of him. This is all I know of the matter.

Charley Carter – I was at the apple house. Saw Buck Johnson leave the apple house, go toward the depot. Saw Buck Johnson, Dote Wallace and Cora Johnson standing on the switch talking but could not understand what they said, only that Buck told Cora to go home. I only stopped there a very short time. I left there in company with the apple man, Frank Hildbolt, and went back to the apple house. I next saw Buck Johnson, Cora Johnson and Dote Wallace standing by the well north of the section house did not hear them talking. They only stayed there 2 or 3 minutes and we all started home, myself, Tom Hooker, Randolph Redden, Gene Leonard and Buck Johnson. Buck Johnson started a little in advance of me but I immediately passed him. Dote Wallace and Buck Johnson did not see any pistol. I did not see any shots fired. I heard Buck Johnson say he did not want any trouble. I said to Dote go on Buck has been drinking and you are liable to have trouble. Dote said I have drank as much as anybody. There was between 3 & 5 shots fired. I would not be positive. As many as 3 and not more than 5.

Q – Where did you go next after the shots were fire?

A – I first went around some lumber toward Hess's scales then to the sidewalk leading to town. I overtook Leonard and R. Redden, Buck Johnson. I don't remember of Tom Hooker being present. Just about one half way between where I got on the sidewalk and the iron Bridge. After one minute we moved on toward town. Buck remarked that I hate to get into trouble this way but I could not help it. I do not remember any further conversation until we reached the street between Anna Burnett's and Smith Redden's. We stopped there about one minute or so. Buck remarked I do not know what to do I have a great mind to just go and give up. He started south there as I thought to go home. The remark as before stated made by Johnson "I do not want to have any trouble" was made by the well before we started home. This is all I known concerning this affair.

James Henderson – age 35 – lives in Vienna – works on the railroad. I did not see the shooting, and heard no conversation between the parties. I saw Dote Wallace, Buck Johnson & Cora Johnson standing on the crossing of side track and stopped where they were and stood there three or four minutes, then left them standing there and went in the house and started to bed. When the shooting begin I had been in the house some 10 or 15 minutes before the shooting begin. I saw no pistols and did not know the parties were quarreling. When I left them I know nothing else whatever about the affair.

F.C. Hogg – age 43 – lives in Vienna – works as a painter. I do not remember any of the circumstances of the killing. If I saw Johnson in the evening of Friday, I do not remember it. I do not remember of being present at the killing. This is all I know about the matter.

William Dooley – age 24 – lives at Buncombe – farmer. I first saw some parties standing on or near the switch crossing near the depot. After heard some talking as though they were quarreling. After inquiring I found it to be Buck Johnson, Cora Johnson and Dote Wallace. I could not understand what was said. I was near the section house well. They

passed me going toward the main railroad track. They was not quarreling when they passed me. Did not see any pistol at the time nor hear any threats. After a few minutes we started to town, myself, Redden, Leonard, Buck Johnson and perhaps others, Buck a little in the rear. I heard Dote say to Buck, in substance he will say he will do something but will not do it. Buck remarked, Dote who even told you that told a lie I did not say it. Buck said now Dote you go on back and behave. Don't follow me. Did not hear Wallace reply to him. Just then the shooting begin behind me about 10 feet. There was about 4 shots fired, as I supposed by Buck Johnson. I did not see any pistol just the flash of the shots. I next saw Buck Johnson at the iron bridge. Johnson said in substance I don't believe I will run a step, you fellows heard what I told him. I did not see what become of Johnson, nor where he went. This is all I known concerning the affair.

Thomas Hooker – age 39 – lives 3 miles west of Vienna – works as a farmer. I first saw Buck Johnson at the apple house. He and myself, Gene Leonard, Randolph Redden, Will Dooley and others, I do not remember their names, went the well to get a drink at the section house well. While near the well, I heard someone talking loud as though it was someone drunk. I did not know who it was doing the talking. Charley Carter came to me, said there would be trouble. That Dote Wallace and Cora Johnson was down there near the crossing of the switch. Next I saw Cora Johnson and Dote Wallace coming through the crowd going in the direction of the front door of the section house. She was insisting on his coming with her. Dote Wallace next passed me going toward town but had gone but a short distance when the shooting begin. I saw 4 shots fired in the direction Wallace was standing and saw Wallace fall. The firing was all from one pistol. I saw Wallace make no attempt to shoot. I could not be positive as to who did the shooting from what I saw, but thought Buck Johnson did the shooting. I went to where the body was lying but did not remain long. I went from there south between the switch and main railroad track and got on the sidewalk near the wheat granary and I came toward town. I next saw Johnson about the iron bridge at this end. Johnson made the remark I am going home then go up and give up. Myself, Buck Johnson, Charley Carter, Gene Leonard, Will Dooley, Randolph Redden, and three other fellows I do not know, left the iron bridge and came toward town on Main street to the street between Anna Burnett's and the Cottage Hotel. There we left Johnson. He went south as I supposed to go home. Johnson said he was going home then come up town and give up. This is all I know about the affair.

The testimony used in the Coroner's Inquest would have most likely been used before the Grand Jury that happened in November. The news of that event was published by the *Cairo Citizen* on November 11, 1897.

#### Buck Johnson Acquitted

Grand Jury Finds No Indictment Against Him for Killing Dode Wallace  
Vienna, Ill., Nov. 10 – The grand jury today acquitted W.T. (Buck) Johnson for the murder of Samuel (Dode) Wallace, on the night of the 16th of July last. The jury reported to Judge Vickers and the Judge and Johnson called and discharged him from his bond.

It is very unusual for a Grand Jury not to find an indictment, especially using the testimony from the Coroner's Inquest. W.T. "Buck" Johnson was free and Samuel "Dote" Wallace was dead and no one was brought to trial for the killing. It is possible that this was handled by the local Justice of the Peace and someone failed to follow through.

A thorough search of all the court records has not turned up any evidence that this case was ever dealt with in the Johnson County Court.

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## 1899 – A DANCE ENDS IN A SHOOTING

### William H. Turley shot Frank Murrie

The Spring of 1899 began quietly but before the month of May was over, the quiet time in Johnson County was over. For almost two years, there had not been any serious trouble, but with the history of the era, it seemed that trouble was overdue. The shooting of Frank Murrie on May 13th brought the quiet time to an end.

The first news of anything going wrong was the May 25, 1899 edition of the *Vienna Times*. The newspaper gives the impression that the shooting happened on the previous Saturday night, May 20th but the actual date of the shooting was May 13th.

#### FRANK MURRIE SHOT

##### A Dance Makes Trouble – Offender Not Yet Apprehended

The home of Rob't Treese on the Jas. Arnett place about 2 ½ miles west of town was the scene of quite a sensational shooting scrape on last Saturday night. On this occasion a party assembled at Mr. Treese's to engage in "tripping the light fantastic" among whom were Will Turley, and Frank Murrie, who has for sometime past been working in the Hankins livery stable. Everything appears to have gone forward as smoothly as is customary on such occasions until a number of the party left for their homes on account of the rapidly advancing morning hours, and the effects of the "bowl" had begun to be felt.

Treese called for the last set when a desultory quarrel sprang up between Turley and Murrie. There was evidently no cause for it, it had no object, and amounted to nothing. But such was the condition of the participants that they must fight. Treese with others endeavored to settle the difficulty and avoid a brawl but their efforts met with only temporary success. The wrath between the two men would only subside for a few minutes under soothing words of the pacificators to break out again with increased heat. At last the climax was reached when it is said by those present Turley drew a thirty-eight caliber revolver and attempted in cold blood and a red handed manner to shoot down Murrie. With the zeal of a man who would avoid a bloody scene in his home Treese thrust himself between the combatants just as the first shot from Turley's gun was fired which took effect in Treese's left wrist. This cleared the way between Turley and Murrie and the second shot brought Murrie to the ground. With this bloody scene the dance was brought to a close, and again this source of pastime and pleasure is called into question.



Early Sunday morning Murrie was brought to town and placed temporarily at the Perkin's House. Drs. Benson and Looney were called to dress his wounds. Upon examination it was found that the ball after passing through the muscle of the left arm entered the body under the left shoulder slightly penetrating the left lung and lodged in the region of the spinal column, sufficiently near that nervous organism to cause paralysis of the entire body from the chest down, including the lower limbs. It was first thought that the wounded man had not a day of life before him, but up to the time off this writing his condition remains practically unchanged. Murrie has asked that an effort be made to removed the ball by a surgical operation but the physicians have deemed his condition unfavorable for such an operation.

Early Sunday morning Sheriff Hankins hastened to the neighborhood and immediate scene of the tragedy, but Turley was not to be found, he having either escaped from the county or concealed himself in that immediate vicinity during the night. Since that time the Turley premises have been carefully guarded and every precaution has been taken by the sheriff to prevent the friends of the offender from furnishing him assistance. Tuesday morning an offer of \$25.00 reward for the capture of Turley was circulated throughout adjacent counties. The same morning Sheriff Hankins took a posse of men to the Turley neighborhood and a diligent search was instituted which continued all day. However, the posse returned in the evening not having located or gained any clue to the whereabouts of the refugee. Yesterday afternoon word was received from Marion that a man answering to Turley's description had offered a watch for sale there at an unreasonably low price. Inquiry has been made as to the probability of this being Turley, but we have not yet learned the result of the investigation.

Frank Murrie's condition did not allow for the removal of the bullet and he grew worse until death came on May 20th, five days before the above news article was published. The *Vienna Times* did not bring the news of his death until June 1, 1899.

#### Frank Murrie

Frank Murrie died on last Friday evening from the effects of the wound received the previous Saturday night. After the death the coroner held an inquest over the body. Dr. J.T. Looney, who was called to the Treese residence to dress Murrie's wound on the night of the shooting, and who had been the attending physician through his suffering, held a post-mortem examination. All the physicians of the town were invited to assist in the work, and the course and location of the ball were found to be practically the same as determined upon prior to death. The body was interred in the Odd Fellows' cemetery near Simpson, on Saturday afternoon. Mr. Murrie's death was indeed a sad one, and the kindly manner in which the people of Vienna remembered the unfortunate during his suffering and after his death is evidence of the existence of a strong charitable feeling.

A Johnson County grand jury indicted William Turley for the murder of Frank Murrie, the indictment stating that the shooting occurred on May 13, 1899, with Murrie dying on May 20th. Turley had escaped and could not be

found but the indictment was passed in his absence, making him a fugitive. Nothing was heard from William Turley until April, 1903, almost four years after the shooting.

Meanwhile, near Marion, Ohio, a man was killed by a train on December 13, 1901. His name was William Henry. What caused people there to investigate the deceased man is not known but on April 10, 1903, news was published that, in fact, the man who had been killed by a train, a year and a half earlier, was none other than William H. Turley from Johnson County, Illinois, and that he was a fugitive wanted for murder there.

The *Atlanta Constitution*, of Atlanta, Georgia, found the story and published an account of it in its September 10, 1904 edition, even though the news was quite old. The story, by that time, had become corrupted, but even though the spelling of names and dates are, for the most part, incorrect, this is what it published.

#### Murderer Killed in Wreck

Columbus, Ohio, September 9 – It is discovered that William Henry, who was killed on the Big Four road near Marion, Ohio, December 13, 1901, and who lived under that name for several years, was really William H. Terley, an Illinois murderer. His mother, Mrs. Terley, of Vienna, Ills., visited his grave and admitted to Rev. J.A. Sutton, who preached the funeral sermon, that her son had killed a rival lover near Buncombe, Ills., eight years ago.

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### 1899 – ICE CREAM PARTY MURDER Samuel Gold killed George W. Howell

The railroads that came to Johnson County after the Civil War also brought some technology that had not existed in the county before that time. The requirement for ice manufacturing was brought about by the need to ship some products with refrigeration. Ice manufacturing plants sprang up along the railroad lines to supply the needs of this new way of shipping. These plants also made ice available to people in the summer months.

Ice cream parties became a favorite way to gather with friends in the hot days of summer. One such party ended in disaster in August 1899. Samuel Gold killed George W. Howell.

The *Inter Ocean*, a Chicago newspaper, reported the following in its August 26, 1899 edition. The news originated from Marion, Illinois, so it appeared as though a murder had occurred there, when, in fact, it was in Johnson County. The newspaper stated that it was Charles Gold instead of Samuel Gold and that he killed Henry Howell instead of George W. Howell.

#### MURDER AT ICE CREAM PARTY

Charles Gold Kills Henry Howell, a Prominent Farmer, Near Marion.

Marion, Ill., Aug. 25 – Charles Gold killed Henry Howell at an ice-cream supper served last evening at the residence of the latter, fifteen miles south from here.

Howell was a prominent and popular farmer of that locality. He and young Gold's father have been settling their differences in the courts, to

the elder Gold's detriment. Young Gold attended the ice-cream supper, and Mrs. Howell told him he was not wanted there, and asked him to leave. He struck her in the face just as her husband came on the scene and interfered. Gold then drew his pistol and fired, the ball entering Howell's left breast near the heart. He fell dead without a murmur, and in the great excitement which followed Gold made his escape and has not been captured.

The *Daily Free Press* of Carbondale followed up with a similar story in its September 2, 1899 edition. The source seems to have also originated in Marion. No other news is available except the offer of a reward of \$200 for the capture of young Gold.

The Grand Jury indictment stated that Samuel Gold shot and killed George W. Howell, contrary to what the news reports were. Being a legal document, it should be correct in the naming of the perpetrator and the victim, however, the indictment states in three different places that the murder occurred on August 14, August 20, and August 15.

More information has not been determined other than the calling of a jury in January of 1902. The disposition of the case is unknown.

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## 1899 – A REAL MURDER MYSTERY

### M.L. Burnett & C.M. Ferris accused of murdering John Maupin

The murder of John Maupin occurred in Johnson County on August 18, 1899, according to a Grand Jury indictment against Marcus L. Burnett and Charles M. Ferris. News accounts vary in the date as can be seen in the September 2, 1899 edition of the *Daily Free Press* of Carbondale.

#### Johnson County Mystery

A murder which is attracting extraordinary attention among the people of Johnson county, occurred near Vienna last Saturday week. John Maupin was found dead, shot through the heart, in the yard of C.M. Ferris, a prominent farmer of that section. Ferris claims that three men called him to his door late at night and opened fire on him; that he returned the fire and in the morning found Maupin's dead body.

The coroner's jury, after an exhaustive investigation, found a verdict against Marcus L. Burnett and implicating Charles M. Ferris as accessory. The affair is shrouded in mystery which later developments may clear up. Both Ferris and Burnett are prominent farmers and citizens of Johnson county. Both have taught school and are of good families. Ferris made the race for the state senate several years ago.

Several missing local newspapers for the period when this news was developing, make it difficult to find information other than court documents. The Grand Jury met in the November term of 1899 and produced an indictment against Burnett and Ferris, stating that John Maupin had received ten bullet wounds to his body.

The coroner's report concerning the deceased, John Maupin, is presented here.



### State of Illinois – County of Johnson

To the sheriff or any constable of said county greeting:

Whereas a coroners jury duly empaneled and sworn according to law to inquire of the death of John Maupin, sitting in said county on the 19th, 21st, 22nd, and 23rd, days of August, A.D. 1899, have found upon oath that said John Maupin came to his death by a gunshot wound at the hands of Marcus L. Burnett in the County of Johnson and State of Illinois on August 18th, 1899, and that said Marcus L. Burnett was guilty of murder in said killing and Charles M. Farris was accessory to the killing of the said deceased John Maupin after the killing.

Now therefore, you are hereby commanded to arrest and take the said Marcus L. Burnett and Charles M. Farris by their respective bodies and deliver them to the keeper of the common jail of Johnson County, Illinois, and he is hereby commanded to receive and keep them in safe and secure custody until they shall be discharged from said jail by due process of law.

Witness my hand and seal this August 23rd, A.D. 1899.

I.W. Slack – Coroner Johnson Co.

Even with the coroner's report, the real truth of what happened is not available. The actual recorded testimony at the inquest is not available. To realize what really happened, it would be better to look ahead at a newspaper report that was published on May 11, 1900 by the *St. Louis Republic*.

### BURNETT-FARRIS CASE

#### Effort to Show Maupin Was Killed in a Graveyard

Vienna, Ill., May 19 – In the Burnett-Farris murder case now on twenty-seven witnesses testified to-day in behalf of the people. The mother of four brothers of the defendant, Charles M. Farris, testified in behalf of the people. All the evidence so far has been along the same line.

The State produced members of the Coroner's jury and others to show circumstantially that John Maupin was killed, not at Farris's house, but in a graveyard, three quarters of a mile southwest of there, and that his dead body was carried to Farris's house. Numerous shots were heard by witnesses at the graveyard near sundown the evening before Maupin was found dead at Farris's.

To look at what people living in that period of time would understand about the case would be wise. Referring to a statement made by Mrs. Mae Chapman, in her book, *A History of Johnson County*, published in 1925, the following is found on page 139.

John Maupin was killed near the Johnson Cemetery, three miles east of Vienna, about twenty-five years ago. His body was carried to the home of Charles Farris and left in front of his gate. Marcus Burnett, a brother-in-law of Maupin, was convicted of the crime. The cause was some family feud.

The reason for implicating Farris in the murder is not known, but Burnett had apparently chosen to move the body to there and create a disturbance. It may have been known that Farris would react by shooting his gun in the direction of the disturbance, if he did, or it might have just been reported that way. This might be a perfect way to place the blame upon Farris

instead of Burnett. How Burnett was charged in the murder is not known. It appears that the coroner's inquest was the key to placing blame on Burnett. During that inquest, Burnett's daughter was a witness attempting to clear him of blame. It was discovered that she had made false statements to the coroner's jury.

The *Vienna Times* of December 21, 1899 had the following story.

Sheriff Hankins came back from Texas Tuesday morning, bringing back Miss Cloe Burnett with him. She is the daughter of M.L. Burnett, who is in jail charged with the murder of Jno. Maupin; and was one of the principal witnesses in the case before the coroner's jury; but swore two ways during the inquest, as we understand. She was indicted for perjury by the last grand jury. Miss Burnett left for parts unknown soon after the inquest, but Sheriff Hankins and State's Attorney Gillespie found out that she had gone to relatives by the name of Robertson in Texas. Requisition papers were procured and the Sheriff left for that State the first of last week, and after considerable search and clever detective work, he succeeded in capturing the girl among her relatives near Hutchins, in Dallas county, on last Friday evening; and brought her back to Illinois, where she will be held until the trial of her father and Chas. M. Farris, charged with the killing of John Maupin comes up the last of January next. What will be done with her on the charge of perjury we are not advised.

With great objection by Charles M. Farris, he was tried with Marcus L. Burnett. The trial focused mostly on Burnett who was charged with the murder, Farris only charged with aiding Burnett. No actual transcript exists to reveal what was said during the trial but jury instructions that were filed with the case file may reveal some details.

Using those jury instructions, it appears that Burnett went to the cemetery in search of his fifteen year old daughter who was suspected to have been taken there by Maupin. Fearing for what might be happening to his daughter, Burnett went there with a gun, not to kill Maupin but as a precaution. He stated that Maupin had attacked him and he shot Maupin in self defense.

Whether the jury believed all that was testified to is not known. Their verdict was: "We the jury find the defendant Marcus L. Burnett guilty of manslaughter and fix his term of imprisonment in the penitentiary at ten years. And report that they are unable to agree upon a verdict for the defendant Charles M. Farris."

Marcus L. Burnett was sentenced to ten years in the penitentiary for his involvement in the death of John Maupin. He was delivered to the penitentiary at Chester, Illinois on May 18, 1900 to serve his term.

The news of May 26, 1900, as published in the *Jonesboro Gazette*, is as follows:

M.L. Burnett and C.M. Farris were tried at Vienna last week for the killing of John Maupin. Burnett was convicted and sent to the penitentiary for ten years. The jury disagreed as to Farris and he will have a new trial, being released on bail. All the parties were quite prominent.

The outcome of a second trial for Farris is unknown but it is known that he served no time for the charge. Burnett, on the other hand, appealed and was granted a reversal. That news came in the February 14, 1901 edition of the Chicago newspaper, *Inter Ocean*.

#### TO RESENTENCE BURNETT

Supreme Court Reverses Action of a Judge in a Case of Manslaughter

Springfield, Ill., Feb. 13 – In the Supreme court today, in the case of M.L. Burnett vs. The People, an order was entered reversing and remanding the case to the Circuit court of Johnson county, with directions to resentence the prisoner. Burnett was tried in the Circuit court of Johnson county last fall on a charge of murder. The jury found him guilty of manslaughter, and the trial judge sentenced him for ten years in the penitentiary. The case was carried to the Supreme court on a writ of error, on the ground that under the indeterminate sentence act a prisoner found guilty of manslaughter cannot be sentenced for a definite term. The attorney general confessed that the sentence should have been for an indeterminate period.

News of a new sentencing law may or may not have reached Johnson County when it sent Burnett away for ten years, so his term of sentence had to be revised. His conviction stood as it was but his term in the penitentiary had changed.

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#### 1899 – ANOTHER ABORTION CASE

##### Hosea Smith charged

The November Term of 1899 Grand Jury indicted Hosea Smith for producing a miscarriage. According to the indictment. Smith had used a metallic instrument inserted into the "private parts" of a Miss Bowles to produce the miscarriage, not for preservation of her life. The incident was reported to have occurred on June 13, 1899. A bench warrant for his arrest charged him with producing an abortion. The warrant was issued on November 18, 1899. No other information is recorded in the court documents or the record books.

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#### 1899 – WHO KILLED JAMES WINCHESTER?

The year 1899 saw murders rising in Johnson County and it seemed that the year could not end without another one. The December 7, 1899 edition of the *Vienna Times* brought news of the death of James Winchester.

##### James Winchester Killed

For the fourth time this year we are called upon to chronicle a man killing in Johnson county. This taking the life of human beings in our county is becoming too common. We wish it was otherwise; but murders are too frequent of late. Is there any way to stop it? If so, let our officials and jurors do their whole duty. On last Monday night, about 7:30, some assassin shot and killed Jas. Winchester, who lived about 5 miles



southeast of Vienna. He was sitting in front of the fire place, talking and laughing with the other members of the family, when someone, standing at or near a tree at the southwest corner of the house, shot him through the window, with a shot gun loaded with a small sized buckshot, taking effect in his head, neck and breast. Winchester lived several minutes, but never spoke. Seated in the house with him were his brother, Bob, and his (Bob's) wife, her mother, Mrs. M.D. Redden, and a boy about fifteen years old, Noah Tapley, whose father lives on the Winchester farm. Mrs. Winchester and Mrs. Redden were sitting between Jim and the window, and the party who fired the shot watched his opportunity, when Jim leaned back in his chair to laugh at something that was said, to get the women out of the range. Neither one of them were struck by the shot; but Mrs. Winchester was cut some about the head with the shattered glass from the window.

Word was sent to town immediately, and Sheriff Hankins and his deputies went out and made an examination of the premises, but found no clew, of course. A coroner's jury was empaneled the next morning, with 'Squire James W. Damron acting in the absence of Coroner Slack, who is at Hot Springs; and at this writing the jury is still investigating and has not returned a verdict; but nothing of a definite nature has developed, so we learn. Word was sent to Paducah the next morning for bloodhounds; and in the afternoon they arrived in charge of Mr. Wickliffe. The hounds at once took up the scent, and in a roundabout way followed the trail in an eastern direction about two miles, when it was lost in the big road, showing, as Mr. Wickliffe said, that the party or parties had come out into the road there and got into a buggy or on a horse. So the man-hunt with the dogs came to naught. They were brought to town that night and taken back to Paducah next day. The dogs are said to be sure enough man-catchers, and accomplish results where the fellow stays on the ground, as was demonstrated here in town before they left. A post mortem was held over the body of Winchester Tuesday; and yesterday the remains were interred at the family burying ground in Elvira township. Jim Winchester was not as good a man as he might have been, but he was killed in a very cowardly manner. He in fact was somewhat mixed up in the feud now existing east of Vienna; and that might have had something to do with his tragic death. But it is probable that the murderer of Winchester, and the prompting cause, may never be known; although the coroner's jury and other officials are doing what they can to find out. Winchester's father and mother are both dead; his father, W.S. Winchester, having passed away some few years ago. He had been married to Miss Maud Donaghy; but he and his wife were separated, with one child resulting from the union. Of the immediate family only his brother, Bob Winchester, survives.

The *Cairo Citizen* of the same date, December 7, 1899, had much of the same news but added the fact that Winchester had been convicted of the murder of Winster Elkins and had served eighteen months in the penitentiary. That same newspaper stated that this was the sixth killing in Johnson County since May. The facts of the six killings is not founded in any evidence found elsewhere, in fact, the *Vienna Times* stated that this was the fourth killing for 1899.

The *Vienna Times* published on December 14, 1899 brought more news about the case, including the coroner's investigation.

The coroner's jury in the Winchester murder case is still in session. As their proceedings are secret, we are not advised as to what they are finding out. They have investigated several different suspicions, we understand, which came to naught. The sheriff went out on last Monday afternoon and arrested George Tapley, who lives on the Winchester farm, and he has been guarded here ever since. There is some suspicion against him, but how much evidence that he committed the deed we are not advised. The coroner's jury will likely adjourn in a day or so, when their verdict and further particulars will be known. Squire James W. Damron is acting coroner, while the following men compose the jury: John H. Clymer, foreman; Jas. W. Mathis, G.W. Miller, Geo. H. Huffman, John Dunn, Jno. W. Clymore.

The *Daily Review*, a Decatur, Illinois newspaper, reported on December 20, 1899 that George Tapley, who had been under surveillance for several days, had been released on December 18.

No other information has been found in the county records concerning an arrest in this matter. Investigation has revealed that Winchester was about thirty years old when he died.

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## 1899 – CHANGE OF VENUE FROM WILLIAMSON COUNTY The Carterville Mine Riot Murders

Vienna became the center of attention for several weeks beginning in December 1899 and lasting into March 1900. The celebrated trial of the Carterville Rioter's murder case was brought to Johnson County because it could not be tried in Williamson County. This murder case was actually two murder cases involving two separate trials.

The first trial was known as the Lauder Lawder Station murder trial concerning the killing of a woman riding a train at that place, now known as Cambria. The second trial, which followed on the heels of the first trial, concerned the killing of five at Carterville. Both incidents involved a dispute about union miners at the Brush Mine near there.

The *Daily Free Press*, forerunner of *The Southern Illinoisian*, published an account of these incidents in its November 25, 1922 edition. The story was told twenty-two years after the event, so it was made easier to understand in hindsight. A portion of that story follows:

Samuel Brush, who died not many months ago in Carbondale, was one of the bitterest opponents of organized labor. He was the owner of the Brush mine, now known as Madison Number Nine, and when the mine unions were formed he refused to recognize them, although he is said to have paid union wages. In order to combat the union he brought in trainloads of negroes and their families from Alabama. When the first of these negroes arrived, their train was fired upon and a woman in one of the coaches was killed. This was commonly called the first riot, and was at Lawder, now called Cambria.

The governor stopped the importation of more negroes by notifying Mr. Brush that he would stop the next trainload at the state line and prevent their being brought into the state.

Mr. Brush barricaded his mine and a tree was designated as a deadline, but many of the negroes went into Carterville, but the Carterville people did not go to the mine, because state troops were stationed there to prevent trouble and when troops were not on duty, Mr. Brush had the mine protected by his own armed guards.

One Sunday afternoon six negroes went from the mine to the Carterville depot. Just as church was being dismissed, some of the men of Carterville went to the depot and asked the negroes where they were going and what they intended to do, and they are said to have replied that it was nobody's business. Bob Hadfield is alleged to have thrown a brick, after which one of the negroes, Slim Cummins, a minister, drew a big gun and fired the first shot. The fire was instantly returned and five of the six negroes were killed. Some of the shots were fired with Winchester from the roofs of nearby houses.

State troops came in and between 20 and 25 were arrested for the shootings and lodged in the county jail, remaining under guard until the trial opened, which was transferred from Marion to Vienna on a change of venue the county then being largely opposed to the organized labor movement.

The only one of the negroes to escape was Tobe Mathis, who afterwards lived in Marion. He wore a long tailed coat and during the trial was asked how he happened to escape being killed and he said it was three things, "a good pair of legs, a good sense of danger and the Almighty God." He said the only reason he ran was because he could not fly. One of the bullets went through the middle of Tobe's coat as he ran and Governor Johnson of the defense attempting to prove that the bullet could not have gone through his clothes, buttoned up closely around Tobe and asked him why it was that if the bullet went through his coat it did not hurt him. Tobe quickly unbuttoned his coat and flapping the coattails behind him, said, "That coat wasn't buttoned; it looked like this when that bullet passed me."

The defense was that the citizens of Carterville had been told there was an army of colored invaders coming, heavily armed, and they thought, these men were probably the advance guard and were fighting in self-protection, the negroes having fired first. All were acquitted but many of them later served a term in the penitentiary for other offenses. Judge D.T. Hartwell as state's attorney, afterwards sent seven of them to the state penitentiary for various offenses.

One of the guns carried by the negroes in that riot is now in the arsenal-like collection of Judge Hartwell's. It was purchased at a coroner's sale and Judge Hartwell afterwards purchased it for his collection.

The attorneys in that case were among the best obtainable for both sides. R.R. Fowler was state's attorney at that time and in the prosecution, he was assisted by W.W. Barr of Carbondale, now dead; F.M. Youngblood, also of Carbondale, and now dead; Ed M. Spiller of Marion; W.W. Clemons of Marion, now dead; P.T. Chapman of Vienna and



George V. Gillespie of Vienna, but now of Springfield, who afterwards became an assistant attorney general of Illinois.

The attorneys for the defense, twelve in number, representing the union miners, were Harry Orwin of Herrin; Clarence Borders, Ralph Morton, J.L. Gallimore and L.E. Robertson of Carterville; Bert Reid of DuQuoin, now dead; W.W. Duncan of Marion, now judge of the supreme court; Lieutenant Governor Charles P. Johnson of Missouri, who died quite recently; George A. Henshaw of Carterville, who is now prominent in Oklahoma; L.O. Whinnell of East St. Louis; W.A. Schwartz of Carbondale, and W.A. Spann of Vienna.

The judge that heard the case was Alonzo K. Vickers, who afterwards became a supreme court justice and died while sitting on the supreme court of Illinois.

During the trial, which lasted four months – six weeks being consumed in jury picking – there were many intense and exciting moments. Maj. Anderson, now of Herrin, a mere youth at that time, tried to help a relative of his, who was an attorney, in the case, and because he purchased drinks for some of the witnesses he was charged with tampering with the witnesses and was arrested.

The above story does not give all the details of the two incidents but does give a brief history of that time. The best source for those who wish to pursue this story is chapter six of the book *Bloody Williamson* by Paul M. Angle. This book is not about the riots in 1899 but does make reference to them.

The writers of this book, *The Law and Judge Lynch*, have amassed a large collection of clippings from newspapers far and near, ranging across the United States, that tell of the events that happened in the two incidents in 1899. There is enough material to write a book about this subject, but the authors will not do so here; instead, the writers wish to show what occurred in Vienna and Johnson County in relation to these trials. One thing to note is that security was so great that the Illinois National Guard was called to Vienna where they stayed for the duration of the trials.

To tell the story of the Carterville Murder Trials in Johnson County, the *Vienna Times* will be relied upon heavily. The first news that was published concerning these two famous trials comes from the *Vienna Times* of December 7, 1899.

## COURT NOTES

### The Lauder Station Murder Trial Now On Slow Work in Securing a Jury

One of the greatest murder trials that ever took place in Southern Illinois is now in progress at Vienna. On last Friday night, in charge of Sheriff Joab Gray of Williamson county, and about 25 members of Co. B., 4th Illinois Regt., under command of Captain Hurst, the following prisoners were brought here from Marion and placed in jail: Thomas Jeremiah and Wm. Smith (white) and Mike Brown, George Durden, James Hicks, Eli Booker, Ed. Richie, Aron Brazzelton, William Davis and Isaac McKee (colored). These are the men who are charged with the murder of Mrs. Karr, a negress, on June 30 last, by shooting into an Illinois Central train at Lauder station, a place not far from the Brush mines, near

Carterville. The soldiers are here to guard the jail, and prevent any outbreak by the friends of the miners held as prisoners. There is said to be considerable bad feeling existing between the union miners and some of the parties connected with the prosecution; but nothing has occurred of a clashing or riotous nature as yet; and it is to be hoped will not during the trial. Some of the attorneys in the case came in as early as Saturday, and on Sunday quite a number of the attorneys, witnesses and others interested in the case came in.

Monday morning's train from Cairo brought in another delegation, including Ex-Gov. Charles P. Johnson, the great criminal lawyer, of St. Louis, who is an attorney for the defense; but the most of the crowd of witnesses, spectators, etc., came in on the Big Four about 11 o'clock, coming from Carterville, Carbondale, Marion and other points by a special train over the Illinois Central to Parker City. By noon Monday our streets were crowded with people brought here by the trials, perhaps 500 or more coming from Williamson and Jackson counties. Quite a number of these are witnesses only in what is known as the Carterville miners' cases, for murder in the Carterville riot, Sept. 17, in which four or five negroes were killed. This trial is expected to come up after the Lauder Station cases are disposed of; and all such witnesses were excused by Judge Vickers on Tuesday and allowed to go home until further notice, as it is not now known when they will be needed. On Monday, at 2 p.m., court was called and the prisoners, under a heavy guard by Sheriff Hankins and deputies, were brought into the court room. The case against Mike Brown, one of the defendants was nollied by the State's Attorney, as he had turned State's evidence. After some consultation among attorneys for the prosecution, and a call of the witnesses on that side, about 200 in number, the prosecution announced ready for trial. The defense made a motion to quash the record, etc., and for a discharge of the prisoners, on account of irregularities in the indictment, papers, etc.; but this motion was overruled by Judge Vickers. The defense then asked for time until Tuesday morning at 9 o'clock, to ascertain whether they were ready for trial. On the convening of court Tuesday morning the defense announced ready for trial; and the task of securing a jury began. Up to the adjournment of court this (Thursday) evening, 90 men have been examined and not one juror has been accepted. The prosecution has exhausted 38 peremptory challenges, and the defense 32. They have 180 in all, 20 for each defendant. So it is not certain that the jury will be secured this week; looks now like it would not. All manner of questions are asked touching the competency of men to set as jurors, too tedious to mention. A man's pedigree and past life is pretty well known when he leaves the jury box. State's Attorney Gillespie and P.T. Chapman are the principal attorneys in selecting jurors for the prosecution; while W.A. Spann and L.O. Whitnel perform a like service for the defense. Venires for 140 jurors, outside of the regular panel of 23, have already been issued and mostly exhausted. The riding bailiffs to summon jurors are: Frank Ragain, W.R. Pierce, Chas. Marshall, Gus. Parker, Wm. Mathis; while the other bailiffs are Ben Moore and H.R. Hess, in addition to Sheriff Hankins and deputies, Jas. Hankins and Jas. E. Looney.

The attorneys engaged in the case are: For the prosecution – State's Attorney R.R. Fowler, of Williamson county; State's Attorney Gillespie, of Johnson county; F.M. Youngblood and W.W. Barr, of Carbondale; P.T. Chapman, of Vienna; W.W. Clemens and Ed. M. Spiller, of Marion. For the defense – W.A. Spann and L.O. Whitnel, of Vienna; Ex-Gov. Chas. P. Johnson, of St. Louis; W.W. Duncan, of Marion; W.A. Schwartz, of Carbondale, S.H. Reed, of DuQuoin; Geo. A. Henshaw, J.L. Gallimore and R..B. Morton, of Carterville. Quite an array of legal talent, as will be seen. If the Carterville riot cases are tried after the one now on trial, Vienna is good for a sold month's court, at any rate; but Williamson county pays the bills, which amount to hundreds of dollars per day.

The headquarters for the prosecution is at the Chapman Hotel; while the defense are quartered at the Perkins House. Mr. Hunter, of Streator, State President of the United Mine Workers' Union, of Illinois, was present at the first of the week, but has gone away, leaving Vice-President Russell, of Danville, here. Capt. Sam T. Brush, of Carbondale, one of the principal witnesses for the prosecution, and owner of the mines about which the trouble originated, is also present. Sheriff Joab Gray and his deputy, Dick Odum, are here part of the time, and will be witnesses in the case. The city dailies have special correspondents here. Jewell H. Aubere, of St. Louis, one of the Globe-Democrat's best special correspondents and reporters, is sending in reports to the G.D. and to the Chicago Tribune. E.A. MacMillan, late city editor of the Carbondale Herald, is reporting for the Chicago Record and Inter Ocean and some other papers, as special correspondent. So Vienna is getting considerable advertising just now; and our hotels and restaurants are reaping a harvest; besides many are stopping at private houses.

There is no particular feeling among our people in these cases; and we believe the defendants can get justice in Johnson county, if the attorneys can succeed in getting a jury. Johnson county never had a miners' strike, or a strike of any other kind of any importance, within its borders, so far as we know. Lots of good men in our county that would deal out justice in the proper quantities between man and man, if they could be but found.

The *Vienna Times* - December 14, 1899, continued news of the trial.

## COURT NOTES

### The Lauder Station Murder Trial

Very slow progress had been made in securing a jury to try Wm. Smith and the other eight defendants mentioned last week, charged with the murder of Mrs. Anna Karr, the negress, at Lauder Station, near Carterville, last June. Up to writing, at 3 p.m. on Thursday, six men have been selected as jurors, and 296 have been examined. The people have exhausted 82 peremptory challenges, and the defense 105; 109 having been excused by the court for cause. The six men chosen are as follows: Calvin J. Stephens, who lives in the southern part of Vienna township. Samuel N. Finley, a son-in-law of W.J. Worrell, who lives in Cache township. J. Logan Benard, of Cache township, and a neighbor of Mr. Finley. James Moak, of Cache township, living west of Belknap, and who once worked in the mines at Spillertown, in Williamson county, for



about two years. Marion Choat, a son of Absalom Choat, of Tunnel Hill township, living east of Tunnel Hill. Thomas L. Smith, a son of John H. Smith sr., living some two miles north of Tunnel Hill. All these men are farmers, and, as we understand, all own farms, except Mr. Smith, who is the youngest of the six, being only 22 yrs old. The oldest man is likely Mr. Stephens, who is 42 years of age. They are all very fair men, as far as we know. The attorneys seem to be very particular as to whom they shall take, and eight days have been consumed in getting six men. At this rate it will require more than two weeks to get the jury; and when the trial will end no one could prophesy with any certainty. Of course, the attorneys have their way of doing things; and, whether right or wrong, don't like to be criticized, but it does seem to us that a jury to try this case fairly and impartially could have been secured in one-half the time. This, and the Carterville miners' case following, will be quite a burden on Williamson county, which pays the bills. George Boozer, of Burnside township, has been the bailiff in charge of the jury; and to-day L.H. Frizzell was appointed by the court as assistant bailiff, and was sworn in to help out Mr. Boozer in looking after the jury. No sensations have been sprung in the case as yet. The holiday vacation of Judge Vickers, the attorneys, the jury and the court officers now looks pretty slim. Most of the witnesses have gone home to come back when called for and needed; and nearly all the attorneys went home the latter part of last week and stayed until Monday, including Gov. Chas. P. Johnson, of St. Louis; leaving the selection of jurors in the hands of the local attorneys, who really have the choosing of jurors in hand, anyway. Messrs. Aubere and McMillan, the special newspaper correspondents, are still in attendance, sending in daily reports to the several dailies they represent.

Later J. Ed. Grant, a Simpson township farmer, was the seventh juror accepted before court adjourned this afternoon.

One week later, like clockwork, the *Vienna Times* published its article concerning the case on December 21, 1899, just four days before Christmas.

## COURT NOTES

### The Lauder Station Murder Trial Now on in Earnest

When we went to press last week only seven of the jurors had been secured in the case of the people vs. Wm. Smith and others, charged with the killing of Mrs. Anna Carr, a negro woman, at Lauder Station, in Williamson county, on June 30 last. On Monday just afternoon the last of the twelve men was secured — the jury being made up as follows:

C.J. Stephens, of Vienna township  
 S.N. Finley, of Cache township  
 J.L. Benard, Cache township  
 James Moak, Cache township  
 Marion Choat, Tunnel Hill township  
 Thos. L. Smith, Tunnel Hill township  
 J.E. Grant, Simpson township  
 Frank Evans, Bloomfield township  
 Geo. W. Gordon, Vienna township  
 W.U. Barnett, Elvira township  
 Chas. M. Kendall, Simpson township  
 J.O. Taylor, Bloomfield township

These are very fair men, and will do justice in the case, as they understand it, no doubt. In securing these twelve jurors about eleven days were consumed, during which 436 men were examined; 131 were challenged peremptorily by the defense and 147 by the people, and 170 excused for cause by the Judge. Politically the jury is slightly Republican, although some four or five are Democratic; but we don't know whether politics will figure in the result or not. On Monday afternoon State's Attorney Gillespie, of this county, stated the case for the prosecution, and made a very plain and fair statement, so pronounced. Judge W.W. Duncan, of Marion, made the statement for the defense Tuesday morning, and this was said to have been an able and forcible statement of the facts connected with the case from the defense's standpoint. Of course, Mr. Gillespie and Mr. Duncan, both good lawyers, differed widely as to the merits of the case and what the evidence would bring forth. The examination of witnesses for the prosecution began Tuesday afternoon and has proceeded right along ever since.

Up to the writing (Thursday afternoon) about 24 witnesses have been examined, as follows: Mr. Newell, a farmer living a mile or so east of Lauder Station; Mr. Ashby, who feeds mules at the Prosperity mines and saw the shooting at the Station; Mr. Sizemore, a carpenter, who was near by and heard the shooting; Mr. Cas. Russell, a merchant at Lauder, who testified about the same as Mr. Ashby; Mrs. Sprague, postmistress at Fredonia, who saw some men pass her house going toward Carterville after the shooting; John B. Russell, who identified Wm. Smith, one of the defendants; Joseph Stocks, a carpenter of Carterville, who also identified some of the defendants; Wm. Bryan, conductor of the train on which the woman was killed; Robert Allen, engineer of the train; Peter Stout, fireman of the train; James G. Brush, son of Capt. Sam Brush, who was on the train at the time; Sam McKinney, who was near the scene of the shooting; Sam Carr, aged 10, son of the woman killed; Ollie Crutcher (col.), aged 23, the man who with James Brush made arrangement to get the negroes to come from Pana to Carterville; Dan Batson, night watchman for the I.C. at Carbondale, who assisted in the arrest of Wm. Smith the first time; Link Dowell, deputy U.S. Marshall, who captured Wm. Smith and others by a warrant from the United States Court at Springfield, and from whom Smith escaped once; Patrick Mahoney, chief of police of Cairo, who assisted in rearresting Smith; John Colp, a saw mill man of Carterville; Geo. Sullivan of Carbondale, who assisted in the arrest of Smith; C.C. Howard, Jailer at Marion; Thos. B. Russell, of Blairsville; Matt. Gent, of Carterville; Mrs. Walter Tregoning, of Carterville, who identified some of the defendants; Wm. Whitson (col.), who was on the train when the shooting occurred.

An amusing incident in connection with the trial occurred this afternoon, while the witness Wm. Whitson (col.) was on the stand. When asked by Judge Barr if he could identify any or all of the defendants as being connected with the shooting, Whitson thought he could – especially Wm. Smith, the white man. After looking around for some time at the defendants and lawyers in front of him, he finally picked out S.H. Reed, of DuQuoin, attorney for the defense, as being the white man present and taking part in the shooting. Reed stood up for identification, of course,

and this caused considerable mirth in the court room. It was not such a bad mistake, after all, as Smith and Reed are both big, portly men, and resemble somewhat; but the joke is on Reed, anyhow.

The *Vienna Times* sometimes missed the finer details of the trial. To fill in the details, the article of December 21, 1899, as printed in the *Chicago Daily Tribune*, helps to understand what went on during the trial.

#### TOY IN MINERS' DEFENSE

Miniature Train Used in Behalf of the Carterville Men.

Attorneys for the Alleged Rioters Attempt to Show That the Prisoners Could Not Have Fired the Shots Which Ended the Life of Mrs. Karr – Several Witnesses Identify Prisoners as Members of the Mob at the Railway Station

Vienna, Ill., Dec. 20 – [Special] – Just in front of the jury box and beside the witness chair Attorney Johnson of the defense placed a miniature railway train today, before he started to examine the witnesses in the case of the nine Carterville miners charged with the murder of Anna Karr. Then about the little iron train, which came from a St. Louis toy store, gathered the Judge, members of the jury, and the fifteen attorneys concerned in the case.

Seven witnesses were examined today, and of these the greatest interest seemed to center in the testimony of James C. Brush, son of Sam T. Brush, owner of the mine at Carterville where the trouble occurred.

Mr. Brush told of bringing the negro miners from Pana, Ill., the attack on the train at Lauder Station, and the killing of Anna Karr. He identified William Smith as one of the men in the mob at the Lauder Station depot.

Ollie Crutchen, another witness, identified George Durden as the man who killed Mrs. Karr.

In the cross-examination of the witnesses the defense laid great stress on the relative position of the witnesses with relation to the doors and windows of the cars and the position of the men identified as being in the mob on the platform of the depot.

The defense is trying to establish that the shot which killed the Karr woman was not fired from the direction of any of the defendants.

Most of the morning's session was given over to the examination of the trainmen who were in charge of the train on which Anna Karr was riding when killed.

William Bryan, the conductor of the train, in the cross-examination stood over the miniature train and pointed out the location he referred to in his testimony. He also showed with the miniature cars where the balls entered the cars and what course was followed. With two law books, representing the depot, and a sheet of foolscap the depot platform, he located repeatedly the different actors in the tragedy. The engineer and fireman of the train corroborated his testimony.

Sam Karr, son of Anna Karr, the woman who was killed, was examined, and told of the death of his mother, and identified George Durden, one of the negro defendants, as a man he saw walking away from the window near which his mother lay. He also identified James Hicks, Eli Booker, Isaac McKee, and Arch Brazzelton as being in the crowd which he saw about the train.



The testimony tomorrow is expected to be much in the same line as today, although it is probably that the men who turned State's evidence will testify, as they were not reached today, as had been intended.

Details, as the trial continued, will be omitted at this point, but one item of discussion will be included here. The *Inter Ocean*, a Chicago newspaper, reported the following on January 2, 1900.

### PROGRESS OF THE RIOT TRIAL

Evidence for the Nine Defendants is Introduced at Vienna

Vienna, Ill., Jan. 1 – This has been the red-letter day for the defendants in the Lauder riot trial. The evidence has been strong from the defendants' standpoint. Today a new development arose on the part of the defense on the examination of the last witness for the day, which shows that the defense will attempt to prove that the murdered Mrs. Hannah Karr was not killed at Lauder station, but at the Brush crossing, just before the colored passengers were there embarked. One of the strongest witnesses of the day was the 13-year-old son of Robert Price, colored, and it was at this point that one of the spirited legal discussions of the case occurred over the introduction of evidence by the boy of the burning of Union City, a camp which had been established by the miners' union only a short distance from Greenville.

Twenty-five witnesses were examined. Richard Lauder, the first witness, claimed to have seen Eli Booker across the street from Ellis' store in Carterville about the time he heard of the riot at Lauder, which, he claimed, was between 8 and 9 o'clock a.m. He also saw Durden in front of a Carterville saloon about the same time. He identified both of the defendants in court. Charles Hopgood and his wife Cora boarded Durden and his wife from June 13 until about July 4. Both swore that Durden was in bed asleep at 6:20 o'clock on the morning of the riot, and Mr. Hopgood claims to have seen him go to town about 9 o'clock a.m. passing the house where she was at work and returning with meat for dinner. The next witness was James Price, 18 years old. He saw the burning of Union City from a park where he and his parents went after the firing on the place commenced. All the family household goods were consumed in the conflagration, and that after the fire he lived in a tent, as all the other occupants of the settlement had done, and that they were furnished goods and mattresses. He swore that a man of the name of Greenleaf, employed by Mr. Brush, came to the camp with a gun and told them of the riot at Lauder, and that his father, Robert Price, sent him to Carterville for other residents of the camp. He claimed to have run all the distance, and, on arriving in Carterville, found William Davis, Isaac McKee, Arch Brazzleton, and John Ryley, and that they accompanied him to Union City. As he was going to Carterville he met James Hicks and his wife. He claimed to have seen William Davis, who is his brother-in-law, Isaac Hicks, and John Ryley go to Carterville on the morning of June 30, and that they had a gun with them.

The trial continued until all the evidence on both sides had been examined. Several attorneys made closing statements before the jury. The case was then turned over to the jury to decide the future of those involved. That

verdict came on January 7th, as reported by the *Inter Ocean* of Chicago, published on Monday, January 8th.

### VIENNA MINERS ACQUITTED

Four of the Nine Accused of Murder Are at Once Rearrested.

Carterville, Ill., Jan 7 – The jury in the trial of the nine miners who were accused of murder by firing into a train at Lauder station, on June 30, returned a verdict of acquittal at Vienna early this morning. This afternoon, as the train rolled in on which some of the acquitted men came home, they were met at the station by a crowd of more than a thousand people and a band of music. Charles P. Johnson, one of the attorneys for the defense, was on the train, and he received an ovation. He responded with a short address, delivered from the car, during which he said:

“On the 30th day of last June Sam T. Brush looked out of a car window and saw his enemies. On the 7th day of January we look out of a car window and see our friends. Brush and the attorneys for the prosecution tried to make the people of Vienna believe that the people of Carterville are all cut-throats and anarchists, but we convinced them that you are law-abiding and good citizens of this state.

Four of the acquitted miners, George Durden, Eli Booker, James Hicks, and Edward Richie, were rearrested by the United States marshal and taken to Springfield. They are accused of violating the injunction issued by Judge Allen last summer prohibiting all persons from interfering with the operation of the Brush mine. The friends of the men claim that inasmuch as the charge of violating the injunction is based on the shooting at Lauder station, and as the men were acquitted of that crime by a competent jury after a long and searching trial, Mr. Brush is now trying to persecute the men in the United States court.

The trial of the miners was one of the most noted in the jurisprudence of Illinois. On the ground that a fair trial could not be had here a change of venue was granted and the case was transferred to the neighboring town of Vienna.

## THE SECOND CARTERVILLE MURDER TRIAL

The first trial concerning the murder of a woman at Lauder Station was history. The Johnson County Court Docket was now open for the second trial of the murder of five men at Carterville on September 17, 1899. The *Vienna Times* will again be the main source of information in this trial.

The first news concerning the second Carterville murder case was reported by the *Vienna Times* on January 25, 1900.

### The Carterville Miners' Trial

The trial of the twelve Carterville miners, on a charge of murder, brought here on a change of venue from Williamson county, was to have come up before Judge Vickers in our Circuit Court Monday; but owing to a wreck on the I.C., near Carbondale, the same day, delaying part of the attorneys and all the witnesses until that evening, court was adjourned over until Tuesday morning. Both sides announced ready for trial Tuesday morning, and the work of securing a jury began Tuesday afternoon. The names of the men on trial are:

## THE LAW AND JUDGE LYNCH

Robert Hadfield

Elmer James

John Wallace

Lem Shadowen

Charles Shadowen

William Kelley

Math Walker

Dick Kelley

Frank Grider

Wesley Shadowen

A.J. Nangle

Willis Carney

They stand charged with killing five negroes at or near the depot in Carterville, on Sunday, September 17 last, about noon; the names of the colored men being T.J. Floyd (a minister), Slim Cummins, John Black, Huse Bradley and Henry Branum, with Jim Hayes wounded, but recovered and here as a witness in the case. The negroes had been working at the Brush mines, near Carterville, and it is said they had gone into town with a view of taking the train for their homes in the South, where they had lived before being taken to Pana and Carterville to take the places of strikers. Just how the deadly affray occurred, of course, remains to be proven; but it was a conflict between union miners on one side and non-union men on the other, as we understand it; consequently, it is likely some of the same questions will be raised as were in the Lauder Station murder trial here a few weeks ago, in which all of the defendants were acquitted. This is said to be a trial of even larger proportions than the other. The same attorneys are employed as in the preceding case, viz.: State's Attorneys R.R. Fowler and George B. Gillespie; Judges F.M. Youngblood and W.W. Barr, of Carbondale; Dick Lightfoot, of Carbondale; W.W. Clemens and Ed. M. Spiller, of Marion, and Senator P.T. Chapman, of Vienna, for the prosecution; and Gov. Chas. P. Johnson, of St. Louis; Judge W.W. Duncan, of Marion; Hon. W.A. Spann and L.O. Whitnel, of Vienna; W.A. Schwartz, of Carbondale; S.H. Reed, of DuQuoin; Geo. H. Henshaw, J.L. Gallimore and B.B. Morton, of Carterville, represent the defendants. The prisoners were brought here on last Friday evening from Marion escorted by Deputy Sheriff Odum, of Williamson county, and a detachment of Co. B. 4th Illinois National Guard, under command of Lieut. Howell. The troops will remain here until after the trial doing guard duty, as they have been doing at Marion. Wesley Shadowen, one of the defendants, is over 70 years of age, and is of a very patriarchal appearance. All the others are comparatively young men. The riding bailiffs are W.N. Simmons, Tom Humphreys and J.C. File; and those assisting in and about the court room and in guarding the prisoners to and fro, besides Sheriff Hankins and his deputies, are C.R. Simmons, Henry Emerson and Charley Hankins. B.F. Moore has also been on duty part of the time this week. There being twelve defendants, 240 challenges are allowed on a side; but better speed is being made in selecting a jury this time. Up to the time of going to press four men have been chosen, viz.: John W. Elkins, of Elvira township; Frank P. Carson, of Tunnel Hill; Geo. W. Rushing and Chas. B. Cox, of Burnside. The people have exhausted 32 peremptory challenges and the defense 21; 197 men have been examined, and 34 have been excused for cause. The outlook now is that they will get the jury this week.

The *Vienna Times* followed up on the following week, February 1, with an update on the trial.



### The Carterville Miners' Trial

The trial of the twelve men brought here from Williamson county on a charge of murder, for the killing of the five negroes at Carterville last September, drags exceeding slow. Five jurors had been accepted up to last Friday, and not another had been secured when court adjourned this afternoon. If this isn't slow progress what do you call it? The dull monotony of the court room does not attract many visitors. It was thought last week when we went to press that the jury might be secured by Saturday night; but now to set a time would be mere guess work. Close to 300 men have been examined; of those 102 have been excused for cause, the people have challenged peremptorily 74 and the defense 103. We suppose the right men to try the case will finally be found; but it does seem a little hard on the taxpayers. The lawyers come and go and are taking things easy. The cases of the people vs. M.L. Burnett and C.M. Farris, and of Sam Gold, all on a charge of murder, which were to have come up for trial last Monday, have been set over until the first Monday in March. Henry Emerson, of Simpson, and Tom Humphreys, of Tunnel Hill, are the two bailiffs sworn in to take charge of the jury in the case now on trial.

The selection of the jury took in most of the remainder of the next two weeks, so there was no real news to report. The next issue of the *Vienna Times* that had anything important to say was that of February 15, 1900.

### The Carterville Miners' Trial

#### Jury Secured, and the Testimony Begins

On last Monday afternoon the last of the twelve men to sit as a jury in the case of the twelve Carterville miners now on trial here for murder, charged with killing five negroes on the streets of Carterville in September last, were selected. It required just three weeks to get the jury, during which time over 600 men reported as talesmen, of whom 589 were examined, the people using 190 peremptory challenges and the defense 180, while 219 were excused by the court for cause. This breaks the record in Johnson county, and most likely in Southern Illinois.

The jury is made up altogether of farmers and laborers, as follows:

Frank Carson, of Tunnel Hill township, age 39;

John W. Elkins, of Elvira township, age 31;

George W. Rushing, of Burnside township, age 36;

Chas. B. Cox, of Ozark precinct, age 24;

Joseph Fitch, Grantsburg township, age 23;

D.R. Smith, age 29, and A.M. Smith, age 25, both of Goreville twp;

J.W. Jones, age 32, and W.A. Mason, age 28, both of Cache township;

C.A. Parker, of Vienna township, age 35;

J.F. Henderson, of Regent precinct, age 24;

I.S. Beggs, of Cache township, age 38.

All are married except Carson and Cox; Jones and Mason are brothers-in-law; Carson, Elkins, Fitch, the two Smiths and Beggs are Republicans, the others being classed as Democrats – evenly divided.

On Tuesday afternoon Judge F.M. Youngblood made the opening statement for the people, consuming about one hour and a half. He made an able and forcible speech, from abuse, but dwelling upon the law and facts in the case. Judge W.W. Duncan stated the case for the defense

Tuesday afternoon in a two hours' speech, making a masterful and complete statement of the facts in the case from the standpoint of the defense. From his remarks it is evident that the defense will rely upon an alibi as to some of the defendants and self defense as to the others.

About 3:30 p.m. Tuesday, twelve witnesses for the prosecution was put upon the stand; and up to the time of this writing at 3 p.m. Thursday, twelve witnesses have been examined for the prosecution...

Some details in the remainder of the above article have been omitted because they become tedious in reading. The February 21, 1900 edition of the *Vienna Times* resumed its tedious rendition of the details of the case. The March 1 edition of the *Times* brought news that the trial had come to the phase whereby the attorneys made their final arguments. Then the case was turned over to the jury. A portion of the March 1, 1900 article is included here:

...Then comes the judge's instructions and the jury retires to agree upon a verdict, with the fate of eight men, charged with the murder of five negroes on Sept. 17, last, in their hands. Four days will be consumed in the argument, and six lawyers on a side are to make speeches. We will speak more fully of the main facts as produced by the evidence in the case and other matters connected with the trial next week.

A week later the *Vienna Times* again picked up the story of the men on trial. The March 8, 1900 edition published the following:

## NOT GUILTY

### Carterville Miners Go Free

On last Sunday morning, about 7 o'clock, the jury in the case of the nine Carterville miners, charged with the murder of Rev. T.J. Floyd and four other negroes, on the streets of Carterville, on September 17 last, brought in a verdict acquitting the defendants. The jury went out about 9 o'clock the night before, and it is said agreed upon a verdict about 4 o'clock the next morning; all being of the same opinion when the first ballot was taken. The defendants - Wesley Shadowens, Lem Shadowens, Charles Shadowens, Matthew Walker, Elmer James, Willis Carney, John Wallis, William Kelley and Robert Hadfield - were brought into court when the verdict was read, but were taken back to jail until 9 o'clock Monday morning, when the four other indictments against them, for the killing of Sim. Cummins, Huse Bradley, \_\_\_\_\_ Black, and \_\_\_\_\_ Branum, were nollied by State's Attorney Fowler, of Williamson county; and the nine men walked out of the court-house as free citizens. Most of the attorneys, witnesses and others interested in the case, left on special train, viz Parker City, Sunday; and all the others, including the defendants, their families and friends, left on the 4:18 train Monday evening; and so the great trial was ended, which occupied six weeks time. Of course, there was great rejoicing over the verdict by the union miners and those interested in the defense.

As to the righteousness of the verdict, of course, sentiment was divided, but it is not for us to say that the defendants did not have a fair trial; and that the jury did not do their duty as they understood it. There are two sides to the case. When the people had made out their case it looked as though the defendants were guilty as charged; but the defense by their

testimony offset this to a great extent. The threats and previous actions of the negroes before going to Carterville that day, as proven by witnesses for the defense, coupled with the fact that the prosecution could not very positively connect these nine defendants with the killing of Floyd, who fell several hundred yards from the scene of the riot, is what caused the jury to acquit defendants, no doubt. The attorneys on both sides did their whole duty. All made good speeches in the closing arguments. Gov. Johnson said in his closing speech that he had never seen a case more ably argued. State's Attorney Gillespie made the last speech, Saturday afternoon, and it was a very able and forcible effort, as was the speech of Gov. Johnson in the forenoon. We would like to single out and compliment all the lawyers making speeches on both sides, but haven't time or space; sufficient to say that no case ever tried in Southern Illinois called together a better or more able array of legal counsel than this one; it was a royal battle, all the ground being strongly contested.

The trial of this and the Lauder Station case has cost Williamson county away up into the thousands and nobody convicted. Judge Vickers, in ordering the prisoners discharged, Monday, made some very appropriate remarks; and among other things said that the case was probably the most remarkable ever tried in the State of Illinois. He admonished the discharged men to forget the little animosities that had been engendered in the trial and to cherish no feelings of hatred or revenge against any witness, officer, or any one connected with the trial; making the same remarks apply equally to those connected with the prosecution. He hoped that a spirit of mutual forbearance would prevail, and peace, law, order and tranquility would be restored in Carterville.

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## 1900 – A MURDER CAUSED BY JEALOUSY

### Vesta Hogg killed Clara Gurley

1900 brought in the celebration of a new year with the hopes of the people of Johnson County that men murdering other men might stop. Less than three full months into the year, the murdering began again; this time it was not men killing other men but women getting in the action, killing other women.

The March 29, 1900 edition of the *Vienna Times* brought the shocking news of another murder.

#### Another Killing at Vienna

On last Sunday, about 2 o'clock p.m., Mrs. Vesta Hogg shot Mrs. Clara Gurley, at her home in the southeastern part of town, with a revolver, and she died in about twenty minutes. She was shot in the left temple, the ball lodging in the head somewhere. Mrs. Hogg is the wife of I.S. Hogg, and a daughter of Squire H.T. Bridges, an old and well known citizen of Vienna. She and her husband have not been getting along very smoothly for some time, on account of the latter paying too much attention to Mrs. Gurley, with whom he is supposed to have been too intimate; and in an insane spell of jealousy Mrs. Hogg went over to Mrs. Gurley's last Sunday, while her husband was there or near by, and



committed the awful deed, whether justifiably or not we cannot say. Coroner I.W. Slack was immediately sent for, and he empaneled the following jury: W.S. Crum, J.M. Halcom, A.R. Beard, I.L. Morgan, J.C. Gregory and L.H. Frizzell, which on Tuesday brought in a verdict, in substance, that Mrs. Clara Gurley came to her death by a pistol-shot wound from the hand of Vesta Hogg, and that said killing was unlawful. Mrs. Hogg was immediately arrested by Sheriff Hankins, after the killing at her home, and placed in jail, where at this writing (Wednesday) she is still confined; but we learn the bail has been set at \$1,500, which she can give. The body of Mrs. Gurley was buried at Sanders cemetery, south-east of town, on Monday evening. She was a widow, with two children, a boy about ten years old and a little girl a year or so younger. She had been separated from her former husband, Barney Gurley, some two or three years. He has since married, and now lives at Marion. He was notified and came down Monday night and took his children back home with him. It was a very sad sight, indeed, to look upon Sunday evening; and we were especially sorry for the little children who were weeping over the loss of their dearest friend of all – mother. Quite a deplorable affair; but it seems that Vienna and Johnson county must keep up their record for the taking of human life. It does appear to be about time to call a halt.

The coroner's jury reported that Clara Gurley came to her death from a pistol wound on March 25, 1900 and that Vesta Hogg was responsible for the killing. Vesta came from a prominent family in Vienna; she was the daughter of H.T. Bridges, the Justice of the Peace. Nothing has been found in the court records concerning this case. No charges were brought against Mrs. Hogg.

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## **1901 – ABORTION DEATH**

### **Cage Bellamey charged with the death of Mary Gurley**

Abortion was against the law because of the belief that it was immoral to take the life of an unborn baby. Several such cases appear in Johnson County's history.

Cage Bellamey was charged with giving a noxious substance to Mary Gurley, also known as Sister Gurley on February 3, 1901 in order to produce an abortion. According to a Grand Jury indictment, Bellamy was apparently successful. The amount of the drug, or unnamed noxious substance, is not known but it must have been too much or had intolerable side effects because the next day, Mary Gurley died.

Cage Bellamey was not only charged with producing an abortion but was charged with the murder of Mary Gurley. The charge of abortion was stricken from the docket on November 17, 1902 but the charge of murder stood. No other information is available concerning a trial or plea of guilt or innocence, but a receipt for the delivery of prisoners to the Southern Illinois Penitentiary at Chester, dated November 30, 1902, bears the name of Cage Bellamey. The term was not specified.

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## **1901 – SHOT IN A FEUD**

### **Verazonni Jones shot Robert Martin**

Johnson County has had several feuds recorded in its history. One that occurred in Bloomfield Township between the younger members of the Jones and Martin families resulted in a shooting death. According to family stories, the Martin girls used to go to church and their brothers had to go along to protect them. On one Sunday, July 7, 1901, the Jones boys began shooting at the Martin group forcing them to lie down behind some logs. Robert Martin raised up and was shot in the head by Verazonni Jones.

Robert did not die immediately but lingered until the next day, dying from his wound on July 8, 1901. He was buried at the Gilead Cemetery. Robert Nelson Martin was 24 years old, the son of Joel H. and Amy E. Martin.

In August, a Grand Jury indicted Verazonni Jones of the murder of Robert Martin. The case was placed on the Court's docket on August 28, 1901. Jones was released on a recognizance bond. The trial did not come up until August of the next year, 1902.

Local newspapers of that time period have not survived, making it difficult to find any information on the case. The *Alton Telegraph*, of Alton, Illinois, reported on August 28, 1902:

Martin Murder Trial is On.

Vienna, Ills., Aug. 28 The work of selecting the jury in the Jones Martin murder trial has been completed. The statement of the case on the part of the people was made by State's Attorney Cowan and for the defense by L.O. Whitnel. Self-defense is to be the plea. John J. Parrish of Harrisburg is assisting in the prosecution and W.A. Spann and L.O. Whitnel represent the defense. The taking of evidence will begin at once.

Verazonni Jones was not convicted of murder but of manslaughter and was sentenced to the penitentiary. The law of that period of time forbade the sentencing of manslaughter cases to a fixed term so he was sent to the penitentiary at Chester for an indeterminate time.

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## **1902 – A BABY GIRL MURDERED**

### **Effie Ray and Tim Fitzgerald charged**

A Coroner's Jury met at Tunnel Hill on March 6, 1902 to investigate the death of a baby girl who had no name. The information available does not reveal who instigated the investigation but does have some alarming details concerning the case.

The first person to testify was Randolph Casey. This is what he said, as recorded by someone taking notes:

I saw dead baby that was got out of well. Effie Ray told me (I was in charge of her and her mother). "I put the baby in the well myself but mother had nothing to do with it. I had the child out of doors. Tim Fitzgerald was the father of it, and that he would pay me well if I would 'get

away with it.” Mar. 5, 1902, in Johnson County, Illinois. He had given her money several times she said.

The next to testify was Levi Casey. Again, this is what he said as recorded by someone taking notes:

I found a baby of Effie Ray in a well 1/4 mile north from George Ray's. Well over 6 ft. deep. George Carter was with me, the baby was in a sack with a rock on the sack in well. Baby born Jan. 10, 1902. I found baby Mar 5, 1902, baby appeared to have been born at its proper time, to girl about 22 yrs. old. George Ray was at home of nights, worked away in daytime; I could tell Effie was in family way.

Effie Ray and Tim Fitzgerald were charged with concealing the death of a bastard child, a misdemeanor. No further charges seem to have been pursued beyond this and nothing appears to have been done in regard to responsibility for the death of the child.

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## **1902 – MURDER AT A SPELLING BEE**

### **John Adams killed Frank Rushing**

The newspapers published in Johnson County have not survived, making it difficult to obtain local news. However, some newspaper from far away received the Johnson County news and republished it. An event that occurred in 1902 would have been lost to history, had it not been for *The Brooklyn Daily Eagle*, from Brooklyn, New York. They published the following story on March 22, 1902 (some words are difficult to read):

#### **MURDER FOLLOWS SPELLING BEE**

Vienna, Ill. At a spelling match given at the school house at Double Bridges, Simpson township, this county, a desperate shooting affray occurred. Frank Rushing and John Adams, two young men of the neighborhood, had been paying their respects to the same young woman and she had told Adams that she would have no more to do with him. This so enraged him that it is said he swore vengeance on his rival. At the close of the exercise, as Rushing came out of the school house door, young Adams walked up behind him and without a word of warning shot Rushing in the back. Rushing fell off the porch and Adams shot him twice after he had fallen, inflicting [\_\_\_\_\_] wounds. Adams then shot Greeley Jones the teacher of the district, inflicting a slight wound in the shoulder, after which escaped.

A Johnson County Grand Jury indicted John Adams for murder, stating that he had shot Frank Rushing in the cheek and jaw, then shooting him in the back to the right of the spinal column about the ninth rib, then shooting him in the back to the left of the spinal column at about the eleventh rib. The shooting occurred on March 20, 1902.

Frank L. Rushing lived for ten days, dying on March 30, 1902. He was buried at the Cedar Creek Cemetery, east of Reevesville, Illinois.

John Adams was also charged with shooting Greeley Jones, the school teacher. He was indicted with assault to murder in this charge.



According to court records, John Adams pled guilty to the charge of murder and sentenced to twenty years. Sometimes the newspapers do not get everything correct. The *Daily Free Press*, of Carbondale, published the following on April 9, 1902:

Sheriff M.A. Hawkins of Johnson county was in the city Friday enroute from Chester to his home, where he had taken John Adams, the murderer of Fred Rushing, who is to serve a 30 year sentence. The sheriff relates that much indignation exists in his county over the murder and that had he not taken Adams away at the time he did a mob would have probably hung him. Adams was tried and convicted by Judge Vickers on the day that Rushing, the victim, was buried, a record for swift justice that has but a few parallels in criminal trials.

The *Belvidere Daily Republican*, a Belvidere, Illinois newspaper, stated on April 4, 1902, that John Adams was sentenced at Carbondale to 40 years. They did, however, get the victim correct – Frank Rushing.

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## 1902 – MURDERED HIS FATHER

### Samuel “Bunk” Ragsdale killed William D. “Bill” Ragsdale

The news of a murder at West Vienna was quickly spread on August 7, 1902. There is no way to know how a Fort Wayne, Indiana newspaper was one of the first to get the news out. Samuel “Bunk” Ragsdale had killed his father, W.D. “Bill” Ragsdale. Published on the day after the shooting occurred, the *Fort Wayne Daily News* reported the following:

#### KILLS FATHER IN QUARREL

##### Young Farmer of Vienna, Ill., Shoots Owner of Land

Vienna, Ill., Aug. 7 – W.D. Ragsdale, a merchant and farmer of West Vienna, was shot and killed today at his farm eight miles west of Vienna by his son, S.C. Ragsdale. The father and son previously had trouble about the management of the farm owned by the father and tilled by the son. The father went today to make a contract with his son for the wheat crop, but the young man refused to sign. The father then demanded possession of a team, but when he started to drive off the premises the young man ran into the house, secured a revolver and returning, opened fire on the father, shooting him five times, killing him almost instantly. After the shooting young Ragsdale went ahead with his work about the place and gave orders that a sack of salt be laid on the body of the father with the intention of preserving it while it lay in the sun awaiting the arrival of the coroner. He made no effort to evade arrest.

According to the *Cairo Bulletin* of the same date, Sheriff Hankins and the coroner left immediately to the scene after learning of the incident. The sheriff brought Ragsdale to the jail that evening.

The coroner summoned a jury and convened an inquest on August 6, 1902. Their hand written notes recorded the following:

We the jury sworn and empaneled to enquire into how and by what means William D. Ragsdale came to his death from five gun shot wounds

then and there fired by one Samuel Crawford Ragsdale willfully, maliciously, feloniously and of his malice aforethought and where the circumstance show no provocation in the county of Johnson and State of Illinois. Dated this 6th day of Aug. 1902.

News reports were that the coroner's verdict found the murder unjustifiable. The Grand Jury brought an indictment for murder against Samuel Crawford Ragsdale, alias Bunk Ragsdale, for the murder of William Ragsdale, alias Bill Ragsdale. The indictment was more specific about how W.D. was shot. He was shot once in the left breast, once in the abdomen, twice in the back and once in the left side.

Samuel Ragsdale's trial was held in November 1902. The exact verdict and sentence is unknown but he was evidently found guilty of some crime. He was delivered to the Southern Illinois Penitentiary at Chester, Illinois on November 30, 1902.

William Davis Ragsdale, born in 1842, was buried at Pleasant Grove Cemetery. His grave marker also lists his wife, the former Malinda Jane Bridges.

Samuel died in 1927, shortly after being released from prison. He is also buried at Pleasant Grove Cemetery.

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### **1903 – MURDERED OVER FIFTY CENTS IN A CRAP GAME Frank Womack killed Ezra Edmondson**

The *Vienna Times* of February 19, 1903 brought news of a terrible event that occurred at New Burnside over a crap game on Sunday, February 15. The New Burnside correspondent reported the following:

A terrible tragedy occurred here Sunday evening about 5:45, when one of our young men was shot down and his soul sent into eternity without a moment's warning. The facts, as brought out by the Coroner's inquest, are in brief as follows:

Frank Womack had invited several chums to meet at his residence on Sunday afternoon to have a game, not an unusual occurrence. Womack himself met Wm. Moore at Redden's Hotel and took him home. They found W.O. White already there. Soon after Wm. Malaer and Ezra Edmondson went, and later Auda Upchurch, as a visitor, being a relative of Mrs. Womack. A game of craps was soon under headway, and after a few plays, Womack claimed to have won 50 cents from Edmondson, who denied it, and words ensued. Both jumped to their feet, Womack throwing his hand back to his hip pocket, when Edmondson laid his right hand on Womack's shoulder, while his left hand reached for Womack's hip pocket. Womack stepped back into a bedroom, Edmondson following him saying, "Frank don't do that." About this time Malaer stepped into the bedroom to get Edmondson, took him by the arm, turned him around, and both made a step or two towards the door (Malaer still holding Edmondson by the arm) when two shots in quick succession were heard and Edmondson sank to the floor, the first shot having entered the back of the head a little below the base of the brain, which paralyzed him

instantly. The second shot missed him. One ran at once for Dr. LaRue, another for T.A. Edmondson, father of the murdered boy, and two left immediately for their homes. Just before the game began Mrs. Womack and babe left, going over to the home of her father-in-law. As young Upchurch was starting for the doctor, Womack followed him out into the street, told him to tell no one what he had done and to tell Ollie, his wife, that he was gone. That was the last seen of Womack. He left in the terrible storm then raging, without even an overcoat. The doctor came and soon saw it was a hopeless case. He was carried to his father's residence, but never spoke or regained consciousness and at 9:45 expired. Monday morning Coroner Hood, Sheriff Veach, Ex Sheriff Hankins and State's Att'y Cowan came on the train from Vienna, a jury was empaneled, consisting of C.R. Parker, foreman, W.H. Whiteaker, Craig White, Geo. Harris, D.J. Wallace and Mart Hankins, who with the Coroner held the inquest, took the testimony of all the witnesses named and the above facts were brought out. The jury retired and in a few minutes returned with the verdict of willful murder.

Young Edmondson is the eldest son of Thomas A. and Mollie Edmondson, who are among our oldest and best known citizens. David Ezra Edmondson was born in Stonefort, Sept. 17, 1877, and died as above stated, Feb. 15, 1902, aged 25 years, 4 months and 28 days. He was single and had been railroading several years, for the past five months being on a C&E switch engine at St. Elmo. He had just come home that morning on a few days' furlough, full of life and vigor. He ate dinner with his parents, and seemed more than usually happy and glad to get home. He was a good hearted, lively fellow, and had no thought of such a tragic end. He had an application in his pocket, all filled out and properly signed, to join the Masonic lodge at St. Elmo.

Frank Womack is the second son of John W.D. Womack, is about 26 years old, and has a wife and one child. The wife is the daughter of D.C. Upchurch. The two young men were always good friends, but in an evil moment of passion, Womack, who nearly always carried a weapon, took the life of his friend for the paltry sum of 50 cents, and is now a criminal in the eyes of God and man. The pistol was a 32 caliber Smith & Wesson. The body was laid in the Drake cemetery on Tuesday. Of course the families of each are overwhelmed with sorrow, especially the wife of Womack and the mother of the deceased feel that their sorrow is too great to bear. A pall rests upon our community, and there is a general sympathy for the bereaved ones. Oh, what a lesson to our young men who indulge in unlawful games, and violate the wish of parents and good citizens. Will they heed this terrible warning?

The *Vienna Times* that carried the above story also printed a last-minute notice in the February 19, 1903 edition.

#### Frank Womack Captured

Friday morning, as we are late in getting to press: Sheriff Veach and Deputy Mathis captured Frank Womack, who killed Ezra Edmondson at New Burnside Sunday evening, at Jim May's near Old Reynoldsburg, last night, and brought him in and lodged him in the jail this morning.



Frank Womack was captured near Double Bridges or Moccasin Gap. A Grand Jury brought an indictment for murder against Womack on March 30, 1903. His trial came in August. Nothing is known of what might have been spoken at the trial, but whatever it was, the jury found in Womack's favor, bringing a verdict on August 18, 1903, of: "We the jury find the defendant not guilty."

The *Daily Free Press* of Carbondale published the following on September 2, 1903.

In the circuit court at Vienna last week Frank Womack, who shot and killed Ezra Edmondson during a game of craps last February, was acquitted by a jury of his peers. The next case on the docket was a burglary and larceny case against a John Penrod. The latter was given a penitentiary sentence. Another illustration of the beauties of so-called "justice" as meted out in some of the courts these days.

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#### **1904 – MURDERED BY A WOMAN**

##### **Ona Jane Brummitt shot Samuel R. McCall**

Samuel R. McCall was a prominent citizen and merchant, operating a store at West Vienna. While talking with his father, Dr. Robert M. McCall, on May 4, 1904, a woman walked up to him and shot him. The news of this incident is, unfortunately, lost with the local news for that week not being available any longer. However, the *Daily Free Press* of Carbondale, published an abbreviated account of the news on May 7, 1904.

The shooting of Sam R. McCall, a merchant of West Vienna, near Vienna Wednesday evening by Mrs. Walter Brummitt, caused no end of excitement in that vicinity. The shooting occurred while McCall was engaged in a conversation with his father, Dr. McCall. Death ensued almost instantly and the woman was arrested and is held for murder. McCall was 34 years old and leaves several children one a babe only one week old. The only reason given, so far, for the deed is that Mrs. Brummitt accused McCall of "telling lies on her."

Before the case was closed, three people were implicated in the murder of Sam McCall. Walter Brummitt, the husband of Ona Jane was implicated because he had obtained a gun for her to protect herself. Walter implicated neighbor James M. Brown, claiming that he had bought the gun and gave it to Walter to give to his wife, claiming that she needed to protect herself.

The case became very complicated because those who were charged with aiding her were also charged with the murder. James M. Brown was indicted by a Grand Jury for murder, stating that he had fired the gun that killed McCall.

The best reconstruction of what precipitated the shooting can be summed up in the following manner. Apparently, Sam McCall had made statements to Ona Jane that he could do with her what he wanted to, that he would catch her sometime and have intercourse with her, even against her will. McCall, it was claimed, made statements concerning Ona Jane to James Brown.

Walter Brummitt obtained a pistol from T.B. Powell's store and hung it on the wall at their house. He claimed that Brown told him about what McCall had been saying about Ona Jane and that Brown gave him \$3.50 to buy a gun. According to Walter, Brown then gave him the gun to give to Ona Jane to protect herself with.

Ona Jane, supposedly afraid of McCall, walked up to him and reached under her apron and shot him in the chest, killing him almost instantly.

By the time the case was brought to trial, the charge of murder was brought against Ona Jane Brummitt for killing Sam McCall. Walter Brummitt was also charged, being implicated because he had furnished the gun with the intent that Ona Jane use it to shoot McCall.

The jury returned a verdict on January 5, 1905. "We the jury find the defendants Ona Jane Brummitt and Walter Brummitt guilty of murder as charged in the indictment; and we fix the punishment of Ona Jane Brummitt at fourteen years in the penitentiary; and we fix the punishment of Walter Brummitt at fourteen years in the penitentiary.

The January 9, 1905 edition of the *Daily Review* of Decatur, Illinois, published the following story which sums up the whole case:

#### HUSBAND AND WIFE BOTH GUILTY

##### Get Fourteen Years Each for Killing S.R. McCall

Vienna, Ills. Jan. 9 – after deliberating twelve hours the jury brought in a verdict of guilty against both Mrs. Walter Brummitt and her husband for the killing of S.R. McCall, and gave each a fourteen-year sentence. The case consumed all of last week.

McCall was a merchant of West Vienna, and it is alleged that he was killed in front of his place of business by Mrs. Walter Brummitt on May 4 of last year. The evidence showed that the husband had procured the pistol with which she did the killing.

Samuel Rutledge McCall, Sr. is buried at the Vienna Fraternal Cemetery.

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#### 1904 – ANOTHER ABORTION CASE

##### Harvey & Ellen Hartline charged

In 1904, the law concerning abortion, which had been in effect for quite some time, was as follows: Whoever, by means of any instrument, medicine, drug or other means whatever, causes any woman, pregnant with child, to abort or miscarry, or attempts to procure or produce an abortion or miscarriage, unless the same were done as necessary for the preservation of the mother's life, shall be imprisoned in the penitentiary not less than one year nor more than ten years.

A complaint was filed by Adam Johnson on December 26, 1904 that Harvey Hartline and Ellen Hartline of Cypress, on or about the first day of October, 1904 administered a certain concoction to Josephine Johnson, who was pregnant, to produce a miscarriage. The complaint stated that the concoction was a mixture of turpentine, tansy tea, quinine and gunpowder.

Another complaint filed by Adam Johnson on December 12, 1904, stated that Harvey Hartline forcibly assaulted Josephine Johnson, also known as

Fena Johnson, and ravished and carnally knew her. This incident occurred on April 10, 1904.

A two count indictment was issued against Harvey and Ellen Hartline, stating that on September 6, 1904, they had caused a miscarriage of Josephine Johnson who was pregnant, by administering a substance, a large quantity of turpentine, tansy, quinine and gunpowder. The second part stated that they had administered the substance on August 7, 1904.

It is unknown who Josephine "Fena" Johnson may be. She was most likely related to Adam Johnson who made the initial complaint. She was about 15 or 16 years and, according to some accounts, living in the same house as Ellen Hartline.

Ellen Hartline was married to George W. Hartline and Harvey Hartline was their son. Ellen, most likely trying to protect her son, who was about 25 years old at the time, came to his aid by trying to produce a miscarriage in Josephine Johnson, whom Harvey had possibly forced her into sexual intercourse.

The trial for Harvey and Ellen Hartline came in August 1906. Harvey was allowed to go free without charges. However, Ellen Hartline was convicted. The verdict was: "We the jury find the defendant guilty of an attempt to cause miscarriage in means and form as charged in the case." Ellen was sentenced to a term of not less than one year but not more than ten years in the penitentiary. She was sent to Joliet to serve her time.

At the March Term 1907 of the Johnson County Circuit Court, George W. Hartline filed a bill of divorce against Ellen Hartline; stating: "...that the said Ellen Hartline was duly convicted of the crime of attempting to procure a miscarriage on a pregnant female, and was then and there by the sentence of said court, sentenced to confinement in the penitentiary of said state at the City of Joliet for a term of not less than one, nor more than ten years, which judgment still remains in full force and effect..."

Surprisingly, the divorce filed against her made it possible for Ellen to be released from prison early. The *Vienna Times* of May 30, 1907 reported the following:

#### MRS. ELLEN HARTLINE PARDONED

Mrs. Ellen Hartline, of Cache township, who was convicted at the last August term of court of an attempt to produce an abortion upon the person of Josephine Johnson, a girl some 15 or 16 years of age, who was making her home with Mrs. Hartline, and sentenced to an indefinite term in the penitentiary, was on Monday pardoned by Gov. Deneen, upon the recommendation of the State Board of Pardons, to take effect June 1st. The State Journal says that action was taken on recommendation of the trial judge and State's attorney of Johnson county, who set forth that the woman's husband, George Hartline, who abandoned her, is now seeking to secure a divorce, and it is desired to give her an opportunity to fight the case, in view of the fact that it is believed that she has suffered sufficient punishment.

Attorney Thos. E. Gillespie, of this place, has been active in assisting Mrs. Hartline to secure her pardon.



## 1905 – MURDERS HIS FATHER

### Charles F. Dunn murdered William Richard “Whit” Dunn

The February 7, 1905 edition of the *Daily Free Press* of Carbondale published an account of another murder in Johnson County.

#### JOHNSON COUNTY TRAGEDY

##### Chas. Dunn Kills His Aged Father Near Goreville

##### Murderer Said to be Insane

Whit Dunn, aged 84 years, a resident of Johnson county, near Goreville, was shot and killed Saturday night by his son, Chas. Dunn. Particulars of the tragedy are not at hand, other than that the killing occurred at the home of the old man on what is known as the Sheridan farm near Goreville. The son has been arrested and placed in the county jail at Vienna.

Charles Dunn, who is about 40 years old, it is stated, has served a couple of terms in the penitentiary and had not been out long the last time before he began making threats that he was going to make trouble in the family. The father and son were alone in the house at the time of the killing, the son being found in bed after another son had come home and found the dead body of the father.

According to the Marion Non-Partisan it is the opinion of many that the mind of Chas. Dunn is somewhat unbalanced.

He has tried to commit suicide several times but was always prevented. He also tried to kill a man by the name of Kelly from whom he had stolen some meat, but in this he was also unsuccessful. For this he was sent to the penitentiary where he was kept until, through the aid of his father he was released.

The body of the murdered man was taken to Vienna where the inquest was held.

The trail of what happened next is undocumented in the court records. It would be assumed that he was arrested and jailed, but a Grand Jury indictment for assault with a deadly weapon, stated that Charles Dunn made an assault on Mary and Jerome Dunn with an ax on February 27, 1904.

The Circuit Court news published in the *Vienna Times* of June 29, 1905 noted the following:

The case of the people vs Chas. F. Dunn was called and the states attorney announced ready for trial. The counsel for defense asked until convening of court afternoon to announce and they were given the time and court adjourned. At convening of court afternoon the defendant entered a plea of guilty and was sentenced to the penitentiary for the term of his natural life.

Charles Dunn had considerable experience living in the penitentiary so he knew what he was getting into when he pled guilty. He was once known as the tallest man in the prison in 1900, being six feet four and one half inches tall.

Two articles detailing the case was then printed in the *Vienna Times* of the same date.

## DUNN PLEADS GUILTY

And is Sentenced to the Penitentiary for Life

Charles F. Dunn was arraigned before Judge Duncan charged with having murdered his father in February last and plead guilty to the charge. Judge Duncan heard enough of the evidence to give a clear idea of the people's side of the case and the grounds of defence and sentenced Dunn to the penitentiary for life.

The crime which Dunn committed was one of the foulest ever perpetrated in this county. In February last he assaulted and brutally murdered his father, Rit Dunn, who was over eighty years old. From the evidence it appears that Charles Dunn and his father lived with a family of a brother of Charles Dunn, named John Dunn. On the evening of the murder John's family went to the home of a neighbor on a visit, leaving Charles Dunn and his father alone. The old gentleman, who was feeble with old age, was found next morning lying on the kitchen floor cold in death with numerous bruises on his head, showing that he had been beaten over the head with some blunt instrument. Charles Dunn was lying in bed in an adjoining room with a shot gun by his side. When questioned about his father he first stated that the old man was in the yard and started in the house and fell against a rock and hurt himself. He got up and fell the second time and after he got into the house he started into the kitchen and fell in there and could not get up. This explanation was not accepted by the authorities and Charles was placed in jail on the finding of the coroner's jury and at the March term of the circuit court was indicted for the murder.

The case was set for the 26th of this month and the court appointed Hons. L.O. Whitnel, T.H. Sheridan and P.T. Chapman to defend him, Dunn claiming he was unable to employ counsel. When arraigned for trial he entered a plea of guilty as stated above. After hearing the evidence the judge called Dunn before him and reviewed the circumstances of the crime and dwelt upon the enormity of the offense and gave the prisoner to understand that had there not been injected into the case some circumstances which threw a doubt as to the motives which led to the crime the death penalty would have been inflicted.

This is the third time Charles Dunn has been sentenced to the penitentiary and from what can be learned from his neighbors he has developed into a moral degenerate, a fiend with the impulses of an animal and the intelligence of a man. Much has been said about a plea of insanity but it was not offered.

The result is the best for all. Dunn is not insane, yet in his case insanity would have been a dangerous plea for the people, for it is hard to explain his conduct to many men on any theory but insanity. The man who has cherished thoughts of crime until he has reached the lowest class of moral degenerates is hard to distinguish from the lunatic.

## CHARLES DUNN CONFESSES

Tells Jailer Simmons the Story of His Horrible Crime

After entering a plea of guilty and being sentenced to the penitentiary for life Charles Dunn was taken back to jail Monday. Late in the afternoon he took Jailer Simmons into his confidence and told him the full story of the crime for which he is to be punished. According to his

statement he was very angry at his father and his brother, John Dunn, on account of the division which had been made of his father's land. He thought he had been treated unfairly and said the efforts made to get him off of the land had so angered him that he made up his mind to kill his father, John and John's wife and a Miss Davis, who lived in the family. It seems the family realized that Charles meant to harm them and they watched him carefully. A shot gun owned by some of the family was kept hidden from Charles. On the fateful Saturday afternoon he learned where the gun was hidden by overhearing a conversation. John told some of them the gun was under some hay at the barn and Charles overheard the remark. After John and his wife left on a visit, as related in the evidence, Charles went to the barn and got the gun but decided not to use it on his father. He says he killed his father by beating him over the head with a stick of stove wood. When the Davis girl came back to the house that evening about milking time a Miss Dorrell was with her and Charles says that fact is what saved her life. He intended to shoot her as she came to the door but was afraid he would hurt Miss Dorrell and decided not to shoot. When John came next morning Charles intended to shoot him, but had the gun under the bed cover and before he could get it out John got hold of it and took it away from him. The story discloses the brutal design of a bloodthirsty man who, for a trifling cause, would take the lives of four innocent persons. When asked what he had thought of the consequences of such a crime he answered that he intended to kill the family and then give himself up to the authorities and let them do what they pleased with him. Such a condition of mind shows to what depths of moral depravity an intelligent man who gives himself up to thoughts of crimes, may sink.

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## 1905 – SATURDAY NIGHT MURDER

### Fred Perkins shot John Betts

Saturday nights have for many years been the time when young people come out and join together in revelry. It is interesting to see this type of activity about the turn of the century 1900. Young people have not changed much in the past century.

Saturday night, the 15th of July, 1906, was typical of this weekly celebration, but before the night was over, the citizens between Vienna and West Vienna were shocked by the news that a tragedy had occurred. An ice cream supper was held at the home of Nelson Canada who lived in the old David Y. Bridges home, located about where Oak Grove Church now sits. The weekly newspapers would not be out for more than half a week, but the July 18, 1905 edition of the *Dixon Evening Telegraph* of Dixon, Illinois was already spreading the news, that had come to them somehow from Vienna.

#### Ready Pistol at Work Again

Vienna, Ill., July 18 – John Betts, 18 years old, was shot and most probably fatally wounded by Fred Perkins at an ice cream supper at the house of Nelson Canady, three miles west of Vienna. The boy shot is a son of Wesley Betts, a prominent farmer, and Perkins, who did the shoot-



ing, is a son of A.J. Perkins, proprietor of the Perkins House in this city. Both parties were drinking. The ball passed through young Betts' stomach and he will die. Perkins is in jail.

Two days later, the *Vienna Times* published its weekly newspaper on July 20th. The reader should immediately recognize that the above news must have been from another source other than the *Times* because of the discrepancies in names as well as other details.

### A BAD AFFAIR

Fred Perkins Shoots John Betts at a Dance.

Difficulty arose between Fred Perkins and John Betts at a dance given at the home of Nels Kennedy about three miles southwest of Vienna Saturday night. During the wrangle Perkins shot Betts in the stomach and Betts died early Monday morning from the wound. The rumors that come to us are conflicting and we will not attempt to give the circumstances in detail. It is the old story of a fight at a dance. Perkins is a son of A.J. Perkins, proprietor of the Perkins House, and is a bright young man and capable of making a useful citizen. Betts was about eighteen years old and a son of W.W. Betts of Buncombe. W.W. Betts is considered one of the most reliable citizens in his community and the boy has always been very respectable and well thought of. It is an unfortunate affair and we deeply sympathize with the parents of these boys. The burden is heavy on the parents of each.

Such occurrences ought to have the effect to put our people in a frame of mind to strictly enforce the law against carrying pistols. The law is a good one and should be enforced but the officers will never be able to make much headway until the citizens throughout the community make up their minds to stop the deadly habit by reporting every offender.

A second article appeared in the same issue of the *Times*.

### CORONER HOLDS INQUEST

Fred Perkins Held for the Murder of John Betts

As stated in another column John Betts who was shot Friday night by Fred Perkins died at about 3 o'clock Monday morning. After being shot Betts went with his brother in a buggy to his father's house about a mile east of Buncombe and died there. On receiving a report of the death G.B. Hood went to the scene of the death and proceeded to empanel a jury. States Attorney Cowan and Sheriff Veach accompanied him. The jury was as follows: J.M. Stone, Bundy Peace, Chas. M. Peterson, Jim Stewart, A.J. Gray and Frank Nobles. The jury examined the body and heard the evidence of such witnesses as reside near the Betts home and adjourned to meet at Vienna Tuesday morning at 9 o'clock where the remainder of the evidence was heard. The hearing concluded Tuesday afternoon and the verdict was that Betts was killed by Fred Perkins without provocation. Perkins surrendered himself to the officer Saturday night and was placed in jail to await the result of Betts' wounds. The verdict of the coroner's jury will hold him in jail unless he is released under a writ of habeas corpus.

The *Vienna Times* of July 27, 1905 published the obituary for John Betts. Unlike most obits, this is a detailed account of what happened to him up until and including his death.

### Obituary

Died, Monday, the 17th, at three o'clock at his home near Buncombe, John Betts, son of W.W. Betts. His death was caused by a wound he received on Saturday night, the 15th, at a cream supper, from a revolver fired by the hands of Fred Perkins of Vienna. John's brother, cousin and a friend managed to get him in his buggy and all four of them drove to his home. Before leaving the place John told the boys goodbye he would never see them again, and on his way home he begged the boys to let him get out and die in the grass by the road, but they persuaded him to be quiet until they got home. After his parents and brother, that stayed at home, found out what had happened they immediately called Dr. Mangum and Dr. McCall, Dr. Mangum staying all night and doing all that was in his power. Dr. McCall went home about three o'clock Sunday morning, but came back about nine o'clock, bringing Dr. Benson with him. John seemed to be better Sunday morning, but, of course, was not. "Oh," he said, "I suffered so much last night I thought every breath was my last one." The doctors decided that there was no hopes unless an operation was performed. John was willing to the operation and it was performed about eleven o'clock Sunday morning by the three doctors. John stood the operation well, but it proved fatal.

In the afternoon, Sunday, most of John's young friends came to see him. He knew them all. He talked as long as he could. Dr. Mangum stayed with him all the time. John struggled with his dreadful feeling all day Sunday and until three o'clock Monday morning, when his spirit took its flight. John seemed not to fear death in the least. John was much loved by all that knew him. He was nineteen years, three months and twenty-seven days old.

This community will miss John, he was always in good spirits, so lively and friendly with every one. He never was in any trouble. John was a skillful hand on the guitar and could sing well. His young associates grieved much over the loss of their young friend, just in the bloom of youth, and his life was taken so quick. He leaves a father, mother, five sisters, three brothers and a host of friends to mourn his loss.

The interment took place at the Simpson cemetery Monday evening at five o'clock. He was laid to rest by the side of his sister, who died nearly three years ago. We greatly sympathize with the family, for John was the favorite of the family and the life of his young associates.

The dying declaration of John Betts, recorded and preserved in the court records are as follows:

I know a few people who were out there when I was shot, Roy Williams and James Rikard did not know Fred Perkins. I heard of him. I had not had any trouble with Fred Perkins — Nelse Canada was out there. I had not done or said anything to Fred Perkins before he shot me. Fred Perkins shot me. His name is Whitie Perkins. I never hit him or struck him before he shot me. Fred Perkins shot me July 15th 1905 at Nelse

## THE LAW AND JUDGE LYNCH

Canada's in Johnson County State of Illinois. This statement is made in contemplation of death. Dated this July 16th 1905.

Signed by John Betts, witnessed by Dr. R. Mangum, M.D., J.L. Veach, Nimrod Dooley. Notarized by David J. Cowan, Notary Public.

The coroner's inquest came to the conclusion that Fred Perkins intentionally murdered John Betts. The coroner issued a warrant for Perkins' arrest on July 18, 1905. Sheriff, John L. Veach, arrested Perkins and placed him in jail on the same day. Nimrod Simmons was the jailer that had him in custody.

This case has an abundance of materials from the statements of witnesses at the coroner's inquest. They are too voluminous to include here but a consolidated statement from the questions and answers will be represented below.

Roy Williams – was at the ice cream supper at Nelse Canada's. Went with Harrison Smith, Roy Casper, Grover Rebman and Bert Barnett. We got there right ahead of John Betts. I had just stepped on the front porch where the Bost boy was. He was cursing John, just before John hit him. After going in the house, I went out there and Perkins called John a God Damned liar. John told him not to call him that again. Perkins said, "You are a God Damn lying son of a bitch." Just as he said it, he stepped back and shot him. John turned around and said, "He has shot me. He has shot clean through me." He turned around and said, "I cannot come to see you anymore. Then Perkins said if we did not get that damned son of bitch with a black shirt away he would put a hole though his ear. The one that shot John was called Whitie Perkins.

Grover Rebman – lives at Buncombe. Was at the party, going there with Harrison Betts, Roy Williams, Roy Casper and Bert Barnett. They got there about the same time that John Betts got there. He saw that there was trouble between Betts and Fred Perkins and another boy. Rebman said that when he stepped out on the porch, he heard "the boy" tell John that he was "a damned liar," and John slapped him off the porch. That was about fifteen minutes before John had trouble with Perkins. The next he saw of Betts was at the back of the house. He heard Perkins call Betts "a damned liar." Betts told Perkins he would hit anybody that said that to him. Perkins then called Betts "a damned lying son of a bitch," then hit him with his left hand and shot him with his right hand. Herman Smith, Jim Rackard and Nelse Canada were there at that time. John fell back and staggered up against the house and about that time Jim Rackard and Herman Smith caught hold of him, caught hold of his arm and took him out to the buggy. That was close to 10 o'clock at night.

James F. Rickard – lives at Buncombe. Was at the party, going there with Hamp Boner's girl. Saw Betts there and Betts wanted him to go outside with him to tell him something. We were standing outside when Nelse Canada came out and wanted to know if Betts had hit "the boy." Betts said that he did because "the boy" had called him "a damned liar." More discussion followed when Perkins came out. [Rackard confirmed the conversation as Rebman stated it and the hitting and shooting of



Betts.] We took Betts to the buggy. Then Perkins told us to "take him away from here you God damned son of a bitch or I will shoot you." Betts had been drinking a little but he was not drunk. He had been drinking Peruna. He must have gotten it at Dr. Mangum's store. He's the only one that sells Peruna.

Herman Smith – lives at Buncombe. Went to the party in John's buggy. I only saw the trouble between Betts and Perkins, not the trouble with "the boy." [Confirmed the statements about the conversation before the details of the shooting.]

Harrison Betts – was at the party. Had gone there with Grover Rebman, Roy Casper, Bert Barnett and Roy Williams. As soon as the gun was fired, I started across the room and I met Roy Williams. He said John was shot. When I got outside, they had gotten him to the buggy. John Betts is my brother.

Dr. W.R. Mangum – practicing physician for about six years. Was called to attend John Betts. The bullet entered the bowel or region of the stomach, just below the breast bone and a little to the left of the medial line. It ranged backward and a little downward and came out below the rib on the left side of the spinal column about two and a half or three inches from the spine. The stomach was wounded and an artery cut. Drs. Ed McCall and Benson helped me to perform the operation. Betts died from the effects of the gun shot wound. He would have died with or without the operation. When he died, we found much blood inside of him from the severed artery.

Rolla Elkins – knew Fred Perkins for about two months. Left Vienna with him to go to the ice cream supper. Fred and Charlie Kuykendall also went with us. We went in a surry from Roads barn. Fred had a revolver with him and a bottle of whiskey, about a quart. We drank right smart of it, about a half pint. On the way to the party Fred shot the gun several times out by Cooper's. I was in the house when Fred came in and said, "I have killed me a man." He was looking at Bernice Jones when he said, "I have killed me a man." I did not go back to Vienna with Perkins. I went to West Vienna to Wills. ["the boy" was identified as the "Bost boy" in this interview.

Nelson Canada – lives four miles west of Vienna. The party was at my house. The first trouble concerning John Betts was when he slapped Harrison Bost. I saw the boys, Betts and Perkins and others. They were talking, and the big one [Perkins] was telling him [Betts] that he must behave. I told them that I had understood that the Buncombe boys was coming down there to tear up the party and run the "neck" boys off, the big one we mean to act right. I turned to Betts and asked why he hit the boy. [Reported as Grover Rebman had stated.] [Canada reported the same circumstances concerning the shooting.]

Otis Canada – fourteen years old, the son of Nelse Canada. I saw Fred Perkins hit a man and then shoot him. Betts walked off and said he was killed.

## THE LAW AND JUDGE LYNCH

Ellen Canada – wife of Nelse Canada. The first trouble was when John Betts slapped the Bost boy. After the shooting, I heard Perkins say that the boy was not hurt.

Etta Canada – daughter of Nelse Canada. Saw and heard basically nothing.

Bernice Jones – lives four miles west of West Vienna, about a mile and a half from West Vienna. Fred Perkins got there about nine o'clock. John Betts got there about a half hour after Perkins. There was a boy that came in and told Fred that someone had slapped the Bost boy. Fred said he would see. I asked Fred not to go out. He asked who the boy was and Claud Hooker said he did not know. Fred said he would go and see about it. He went out and asked Betts why he slapped a sixteen year old boy. He said he would cut a hole through him. I saw Fred shoot somebody. He said he did not shoot the boy.

Mable Brown – the daughter of James M. Brown. Got to the party about nine thirty. I went to the party with Alfred Betts, Jim Betts' son. I heard the gun fire. I asked Fred why he shot John and he said that he (John) should not be running over that little boy.

Stella Pearion – lives at West Vienna. I saw John Betts and Fred Perkins there. John came to the porch and patted Harrison on the head and said, "let me in." Harrison is about sixteen years old, the same age as me. After the shooting, Fred said to Anna Good, that he thought he hit John.

Emma Horsley – I went to the party with Claud Hooker and others. After the shooting, Fred said, "I have killed a boy." I went back in the surry that Perkins came in. I was with Ada McDaniel, Chas. Kuykendall and Rolla Elkins. We went to West Vienna after the shooting.

Daisy Wright – the daughter of Charles Wright. Saw basically nothing.

Rad Cochran – the son of Ed Cochran. I saw the Bost boy and John Betts quarreling out on the porch. Saw nothing more.

Alfred Betts – went to the ice cream supper with Mable Brown. The first I heard, Claud Hooker came and told me that some of the Buncombe boys had slapped Harrison Bost. I asked him who it was and he said he did not know and Guss Trip, I think it was, said it was John Betts. I went out on the porch and Claud went somewhere. I stood there in the house sometime and here came Fred Perkins and said where is John Betts? [The story of Betts slapping Harrison Bost was confirmed here.] [The story of Perkins shooting Betts was also confirmed.] The party, for the most part, went on as if nothing had happened. Perkins said he did not shoot anybody.

Lucian Moore – was at the ice cream party and went with no one. Went on horseback. I heard that Fred had shot some boy. Fred Perkins rode back with me on my horse. I asked him if he shot someone. He said that people said he did but if he did, he hit him in the arm. When he was arrested, he stuck the pistol down in my pocket about the time the sheriff demanded that he get down from the horse. The sheriff demanded

that I give him the pistol. I could not tell if he was drunk because I was drunk myself. I got my whiskey from Fred. He had ordered it.

Charles Kuykendall – lives at Vienna. Went to the party with Fred Perkins and Rolla Elkins. Denied Perkins having whiskey and him shooting a gun by Noah Coopers. Didn't see anything or know anything. Perkins came in the house and said he shot a fellow. The pistol he had was mine, it was an 38 Iver Johnson. I had it for three or four weeks. I was at Charles Hacker's barber shot getting shaved when Perkins came in and said that he would be ready to go when he got his gun and his whiskey. I went to West Vienna with Eva McDaniel, Emma Horsley and Rolla Elkins.

Norve Lemon – a brother-in-law of Nelse Canada. I heard the conversation between the boy [Bost], Betts and Perkins. I saw Fred Perkins shoot John Betts. After he was shot, Betts put his hand on his stomach and said "he has killed me boys." I heard Perkins say that he did not mean to shoot Betts, he just wanted to show him that he could not run off the Hell's Neck boys and the Vienna boys. That was after Betts was gone.

Dr. N.J. Benson – a physician. I was called to see John Betts after he was shot. I found a gun shot wound about an inch and a half to the left of the medium line of the stomach, running a little downward and backward. The posterior opening was from the spine to the left a little down from the front. I think it was not far from the last rib. The bullet penetrated the stomach and the diaphragm and the hypo-gastric artery. The artery was cut and he was vomiting some blood. I performed the operation with Dr. Ed McCall and Dr. Mangum. We took the artery up to stop the bleeding. His death came because of blood loss from the gunshot wound.

Noah Cooper lived about a mile and a half west of Vienna. Fred Perkins and some other boys were out there shooting about dark.

Marion Osborne – lives two and a half miles west of Buncombe. I was at the ice cream supper at Nelse Canada's. Part of the way, I went with Charles Robert's brother. I saw Perkins take his gun out and shoot John Betts. Later, Perkins said he did not intend to hit him, he just intended to scare him off.

Roy Casper – was at the party. Went there with Grover Rebman, Roy Williams, Bert Barnett and Harrison Betts. I saw John Betts shot by Fred Perkins. Perkins asked John if he hit that boy out there and he said he did. He asked John why he didn't hit someone nearer his size. Perkins told Betts to hit him and then stepped up and hit Betts. Someone pushed Perkins back and told him they not want any trouble and he pulled out his gun and shot him. The boys took Betts to the buggy and he went home. I saw Perkins say something to the fellow in the black shirt; to get away from there or he would put a hole through him.

Bert Barnett – lives at Buncombe. Went to the ice cream supper at Nelse Canada's on Saturday night. I was in the house when the shot was fired. After the shooting, I saw Perkins say that he would shoot Jim Rikard, the fellow with the black shirt on. Jim Rikard was around where



Betts was shot and Perkins said he would shoot him after he had taken John to the buggy.

Harrison Bost [the boy that John Betts slapped] – was at the ice cream supper. I will be seventeen in October. Me and Stella Perin was out on the porch and John Betts came by and said what in the hell are you doing here. I looked up and said, who are you? He said, I am all I damn pleas. I told him to go on and let me alone. He knocked me backward and I caught myself to keep from falling off of the porch. In about twenty minutes Fred Perkins came to me and wanted to know who hit me. I told him and he ran around the corner of the house. Two or three minutes later, I heard shots fired.

Claud Hooker – was at the ice cream supper at Nelse Canada's. I was in the house when the shots were fired. Basically did not see or know anything.

A.V. Brown – was at the ice cream supper. When I heard shots fired, I was in the kitchen. I saw Fred Perkins about five minutes after that when I was with Andy Simpson out by the road. We were just sitting there and he came to us. I asked him why he did it. He said he just wanted to show him that he could not run over anybody. By that time, everything had quieted down and he claimed that the boy [Betts] was not hurt. Perkins said the first thing that made him mad was that Betts was playing snap and the other thing that he hit Bernes Jones on the ear, and he said there was no use for him slap that boy Bost. He said he understood that the Buncombe boys had come down there to break up the party. He said the Neck boys and the Vienna boys and the West Vienna boys were all the same as one. He said he went out there and the Betts boy and a bigger boy was standing there; that he did not know who he was. He said he asked him what he did that for and he said what the hell is it to you and drew back to hit him. He said he just took out his gun, or had his gun in his hand. He said, "I took out my gun and put the back of my hand to him and pulled her off." He said, "I never touched him." He had told me something about being one that took Charlie Dunn off. I said to him, "You did not think about being a partner with him so soon?" He said, "I did not think about this damn cream supper then."

One item of evidence at the trial was a letter from the Hayner Distilling Company of St. Louis, Mo, that stated that Fred Perkins had made an order to them and had not paid for it. This is most likely the people that he had gotten the whiskey from that he had ordered. The letter, addressed to States Attorney Cowan, stated:

David J. Cowan, Atty.,  
Vienna, Ill.

Dear Sir –

Fred Perkins of Vienna, bought a bill of goods from us, amounting to \$4.20, July 12-05. We wrote Perkins several letters, asking him to settle with us, and he finally wrote us that he had had some trouble at an ice cream supper near Vienna, and was not just then in position to remit us. He said that when he got into this difficulty he "pulled out a gun and fired it off," and it seems one of the boys got in front of the bullet and

died. Which was a piece of carelessness on some one's part. At any rate, we understand they held Perkins for a while and finally let him out on bond. Just now he is working for the Big Four Railroad on the Cairo Branch, and we presume makes his home in Vienna.

We should like for you to see if you can get Perkins to "Fire off his pocket book" and let you get in front of the \$4.20 due us.

If you can handle this claim for us and think there is any prospect of getting the money, we should like for you to advise us in the enclosed stamped envelope.

Yours very truly,

The Hayner Distilling Co., per R.C. Brownlee

John Betts, and most likely some of the others, had gotten the alcohol they had consumed from patent medicines. John Betts was supposed to have purchased Peruna from Dr. Mangum's store. When Peruna was investigated, during the period that Betts had purchased it, it was proven to cure nothing. The Pure Food and Drug act of 1906 forced Peruna to modify its claims as a patent medicine. Like most of the "cure in a bottle" medicines of that time, the alcohol content was about 28 percent in 1905. Like many of the "energy drinks" of today, young people in that era could purchase it for a high time.

The murder trial finished with a jury that could not agree, so a new trial was ordered. The second trial for the murder of John Betts was held in August, 1906. The testimony would have been much as the above statements at the Coroner's inquest. There being no doubt that Fred Perkins had shot John Betts, it is not surprising that the verdict was as follows: "We the jury find the defendant Fred Perkins guilty of murder as charged in the indictment and we fix his punishment at imprisonment in the penitentiary for the term of thirty years." The *Cairo Evening Citizen* published on August 27, 1906, reported the news of the trial.

### THIRTY YEARS FOR PERKINS

Slayer of John Betts at Vienna Found Guilty Saturday Afternoon

### JURY DISAGREED ON FIRST TRIAL

Motion for a New Trial to be Argued Next Week Tuesday

Vienna, Ill., Aug. 27 After being out for nearly 24 hours, the jury in the Perkins murder case returned a verdict Saturday evening sentencing Fred Perkins to thirty years in the penitentiary. Attorneys for the defense immediately made a motion for a new trial and it will be argued on Tuesday of next week.

Fred Perkins, son of A.J. Perkins, proprietor of the Perkins house, is charged with the killing of John Betts at an ice cream supper at the home of Nelson Canada, three miles west of Vienna, on the night of July 15, 1905. On the first trial the jury failed to agree and were discharged.

Ninety-nine men were examined before a jury was secured, so thorough were the attorneys in the cross examination and so wide spread was the knowledge of the tragedy. States Attorney Cowan was assisted in the prosecution by Thos. H. Sheridan, while the defendant had Hon. W.A. Spann and Thos. T. Gillespie of this city, and Geo. W. Pillow of Marion to look after his welfare.

Fred Perkins did not get a new trial. There is evidence that he did not spend the next thirty years in prison because in 1927, when his father died, he returned to Vienna and had been out and working for a railroad at that time.

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## **1906 – A MURDERED BABY**

### **Minnie Reese charged**

One of the residents of Vienna in 1906 was Minnie Reese. On January 11, 1906, Minnie became known to most of the citizens of Vienna. The *Vienna Times* of January 18, 1906 carried the story of why Minnie had become so well known.

Another dead infant has been found in our town. On last Thursday a dead baby was found in the home of James Green (colored), living near the Colored Baptist church on the south side of town. It was placed behind the door and covered up with some old quilts; and proved to be the child of Minnie Reese, a colored girl living in the same house with the Greens. Coroner Hood impaneled a jury and after investigation the verdict was that the child, which was newly born, had lived, but had been killed in some manner by the mother, and she is being held on a murder charge, and will likely be taken to jail as soon as she is able to be removed there. She is a daughter of William Reese, but her mother is dead, as we understand. We deem further comment unnecessary.

The baby was born and died on January 11, 1906. When the Coroner's jury met, they interviewed several persons. It is fortunate for history's sake, that the depositions taken were preserved in the Coroners Records. The following is an abbreviated version of the question and answers in one of those depositions. Everyone, by then, knew about the dead baby.

Sarah A. Green – I live down here in the John Wheeler house. My husband is James O. Green and Minnie Reese has been living here for the past four years. She has had three children and is unmarried. She will be twenty six years old in February. Albert Latham has been keeping company with her. The doctor said her child came at the full time. She got up soon yesterday morning before I did. That was about four o'clock and went back to bed. I got up at five o'clock and she was still in bed. I asked her if she was sick and she said no. I went over to Mrs. Singleton's to work because she had had an operation performed on her. I went back and for the three times before dinner. Minnie was in bed the second time I came and third time she was up. She said she was better, so I told her if she got sick to send Lewie over to tell me. When my daughter came over, she told me that Minnie had done away with her baby. About that time Will Reese came over. That is her father. I went outside and when I came back Minnie was over by a box. She pulled some things around in it. There was some quilts on it. I turned over two of the quilts and she ran and grabbed it and put it there where you found it. It was wrapped up in a quilt with two quilts over it. First there was an old black dress wrapped around it then the quilt. There was no appear-



ance of life in the baby. The baby had been born when I was there at eleven and I found it when I was there at one.

It appears that Minnie Reese had told no one about being pregnant. When the baby was born, she tried to hide it. From the evidence from Dr. Charles Nobles and Dr. N.J. Benson, the baby had been born alive. They had made an incision into the thorax of the baby and had examined the lungs. Nobles said that a person could tell if a baby had breathed by putting a piece of the lung in a glass of water. If it floats, it had air in it. If it sank, it had not had air in it. Dr. Nobles said that it was possible that the baby had been smothered.

The Coroner's jury found that the baby had been born alive and that Minnie Reese had smothered it, thereby murdering it. Minnie was held in the jail until action could be taken. Court documents are absent in this case but according to Court record books, a Grand Jury found "Not a true bill," meaning that they did not indict her. She was released and all charges were dropped.

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## 1906 – A SHOOTING AT BLOOMFIELD

### Bub Martin shot Mose Hodge

Although this book is about murder for the most part, some cases of attempted murder or assault on murder are included. The criteria for those cases being included, is that they be definite intentional acts to injure a person in a manner that could kill them. An example would be shooting someone who afterward lived. Many indictments were over charged. A person picking up a stick and threatening someone would receive the same charge as a person who shot someone. Those acts of intentionally harming a person to potentially cause their death are included in this book.

The following case has no record in the Johnson County files. From the news, below, it is assumed that the perpetrator was charged initially, but nothing appears in any of the Court records. The March 15, 1906 edition of the *Vienna Times* published the following:

### SHOOTING AT BLOOMFIELD

Mose Hodge was shot and dangerously wounded by "Bub" Martin, son of Squire Ira Martin, in an old barn or grainer on Joe Morray's farm, just north of Bloomfield, on last Saturday night about 9 o'clock. The particulars as we get them are that a "crap game" was in progress and Hodge, who was intoxicated, and a fellow named Will Cox first had a little bout,, in which Hodge was trying to use a piece of rail or cudgel of some kind, and finally he struck Martin, who was in the crowd, with it, when Martin pulled his pistol and fired, hitting Hodge in the head just above and behind the ear. The doctors had not been able to locate the ball at last accounts, and it is not known just how badly he is hurt, but was getting along fairly well when we last heard from him. Martin claims not to have been drink. Hodge is rather a bad and quarrelsome fellow when drinking, and has had trouble before. Martin was brought down by the sheriff Sunday, but gave bail in the sum of \$500 and was re-

leased. So Johnson county has another shooting scrape added to her record; and to make it more shameful, it was done at a "crap" game. They say there is a regular game of this kind being ran at Bloomfield which ought to be looked after by the authorities and stopped.

Complicating research for information in this case is the fact that the name "Bub" is obviously not Martin's real name. No court record for a Martin occur in that period of time.

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### 1906 – ANOTHER ICE CREAM SUPPER MURDER

#### John Gore killed Oscar Gurley – Eva Beggs implicated

Ten months after Fred Perkins murdered John Betts near West Vienna at an ice cream supper on July 15, 1905, another murder occurred near the same place at another ice cream supper. The *Vienna Times* of May 31, 1906 reported the following:

#### ANOTHER KILLING AT WEST VIENNA

Johnson county has had another killing added to her list, and it happened at an ice cream supper at West Vienna (Boles) on last Saturday night. These ice cream suppers don't seem to be a very safe place to go. We wish they would quit having them, especially out in that section around West Vienna; and another thing, if they will have them, to leave the booze and pistols at home, if they have any of either on hands; better to touch not the old shooting-iron and taste not the vile stuff, sometimes called "bust-head." The ice cream supper was at Tom Wilburn's, and it seems that several of the boys had imbibed too much intoxicants of some kind, and there were several little fights or scraps on the side; but along about 11:30, when Mr. Wilburn had request all to go home, trouble arose in some manner between John and Sam Gore, brothers, on the one side, and Oscar and John Gurley, brothers, on the other side.

We will not attempt to go into details, for we don't know how it was; but in the row John Gore shot Oscar Gurley in the head, the ball entering near the eye, killing him instantly. A slung-shot was found by the side of Oscar Gurley after the killing, but whether he had used it or not we are not informed. John Gore is a son of Mrs. Rosella Gore-Adams, and about 17 years of age. His father, Barney Gore, died some years ago. He went home after the shooting, where he was arrested by the sheriff or deputy and brought to town and lodged in jail. He was considerably "bunded up" on the head and one of his shoulders dislocated. Coroner Hood went out the same night and empaneled a jury, composed of the following persons: A.J. Gray, George Gray, Hal Spann, Jack Cox, Will Elkins and Sam Brown, and yesterday, after an extended inquiry, they returned a verdict for manslaughter against Gore. Oscar Gurley, the young man killed, was a son of William I. Gurley, about 21 years old, and was not considered such a bad boy. We don't know whether he was drunk at the time or not. The burial took place at Pleasant Grove cemetery Monday, with singing and prayer services at the grave.

Such occurrences as these are sad and to be regretted. The parents of both boys have our sympathy. We suppose an effort will be made to get the Gore boy out on bail.

John Gore was charged on June 6, 1906 with manslaughter. By the time it got to the Grand Jury, Gore was indicted for murder. Also included in the indictment was Eva Beggs. In what way Beggs was implicated is not clear. One document, referring to Eva Beggs, says "him." Research has discovered that Everett Arthur Beggs was also known as Eva A. Beggs. The *Vien-na Times* of June 21, 1906, in its Circuit Court news, includes the following:

John Gore was indicted for murder, growing out of the killing of Oscar Gurley at West Vienna, at an ice-cream supper, on Saturday night, a few weeks ago. Everett Beggs, son of Mr. and Mrs. A.J. Beggs, of Vienna, was indicted for murder jointly with Gore for aiding and abetting in the killing of Gurley. The bonds of each was placed at \$5,000. Young Gore succeeded in giving the required bail, but Beggs still remains in jail, not having been able as yet to give the required bond. "The way of the transgressor is hard."

According to the Circuit Court news, Eva/Everett Beggs was charged in aiding and abetting Gore. This could have been as simple as taking Gore home after the shooting. No details are given.

Unfortunately, there is not as much detail about what happened as was filed in the Fred Perkins – John Betts incident. The only thing available is the Coroner's Jury verdict that leaves out details of what happened but does say that John Gore caused the death of Oscar Gurley.

There is some evidence that Frank Gurley, Oscar's brother had struck John Gore. Gore then drew his revolver in a threatening manner, pointing it at Frank Gurley. Oscar Gurley stepped in and hit John Gore with some object about the head. John Gore then shot Oscar Gurley.

No records of the trial exist but a notation in the court record book says that on August 21, 1906, a mistrial was declared for John Gore and the case was continued. Eva/Everett Beggs made a plea of not guilty. The next entry in the court record book says that John Gore's trial came in November 1906 with the verdict coming on November 23. It read: "We the jury find the defendant guilty of murder as charged in the indictment and fix his punishment at confinement in the penitentiary for the term of fourteen years."

Nothing more is recorded about Eva/Everett Beggs in the court record. It may be assumed that charges against him were dropped. A motion for a new trial was made, as usual in cases like this but the motion was denied. The *Cairo Evening Citizen* published the following story on November 30, 1906:

#### DENIED MOTION FOR NEW TRIAL

John Gore Charged with Killing Oscar Gurley Sent to Penitentiary

John Gore, charged with killing Oscar Gurley at an ice cream supper at West Vienna on May 26th, was found guilty by the jury in the circuit court at Vienna and Wednesday a motion for a new trial was overruled and he was sentenced to the penitentiary.

On the first ballot eleven were for conviction and one for acquittal. The next ballot all were for conviction for the crime of murder, and then



came the ballot for setting the time. This ranged from sixty years down to fourteen, and a verdict assessing his punishment at fourteen was soon reached which is the lowest sentence that could be meted out for the crime of murder.

Gore was taken to the penitentiary by the sheriff of Johnson County, but in 1910, he got a reprieve. The news was reported in the *Decatur Herald* of Decatur, Illinois on April 8, 1910.

John Gore, convicted of murder of Oscar Gurley in Johnson county in 1906, will escape prison after serving a five years' sentence. He was imprisoned for 14 years but in view of the fact that an investigation of the case satisfied the authorities that the right charge was manslaughter, it was thought advisable to shorten the prison term.

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### **1906 – SHOT IN REVENGE**

#### **Thomas Isom shot George Henson**

This is a case with very few records; the location and the date have been lost for a shooting that happened where the intent for murder was evident. The first indication that Thomas Isom was in trouble comes from a Court record book. On June 14, 1906, Thomas Isom, indicted with assault to murder, had his case continued.

A search of Court files brings very few results. Some jury instructions are preserved indicating that Thomas Isom and George Henson had gotten into a war of words, cursing each other and their heritage. At a later time, Thomas Isom, in revenge of the war of words, shot George Henson and when Henson tried to leave away from Isom, he was shot again.

A trial for this incident came in August 1906 with a verdict on August 30th, which was: "We the jury find the defendant guilty of an assault with a deadly weapon with intent to do bodily injury where all the circumstances of the assault show an abandoned and malignant heart."

Thomas Isom was sentenced to the "common jail" for a period of six months and fined \$200.

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### **1907 – NEWS OF A JOHNSON COUNTIAN INVOLVED IN MURDER**

#### **The Strange Case of "Pinkie Plumber"**

When news items of people from Johnson County are involved in murder in some other place, it is included in this book. One such murder is mysterious to say the least. It involves a Vienna woman but the main story is not about her.

Minnie Taylor, reported to have been from Vienna, operated a so called "house of ill repute" in Paducah, Kentucky and was often arrested and fined for her business ventures. In 1907, the story of "Pinkie Plumber" came out, noting that her real name was Minnie Taylor from Vienna, Illinois.

The *Paducah Evening Sun* published the following story in its June 3, 1907 edition.

#### MINNIE TAYLOR STORY REVIVED

Did She Confess to Murder She Never Committed?

Nashville Dispatch Says an Alleged Victim of Paducah Woman is Alive

#### SHE WAS RUN OUT OF HERE

Was Minnie Taylor, alias "Pinkie Plumber," hanged for a crime she did not commit?

St. Louis authorities believe she was, but no records in McCracken county show it, and old residents who remember her, and know of her conduct, do not believe she was.

"Pinkie Plumber was hanged in 1875 on her confession, which convinced authorities that she murdered Lawson Lane, now found to be alive at Zeigler, Ill."

The above telegram was received this morning. An investigation resulted in the finding of plenty of information about the woman, but after her expulsion from Paducah, little was heard of her.

"Minnie Taylor was her right name and she came from Vienna, Ill.," Chief of Police Collins stated. "She operated a house of ill repute for some time, and was often arrested and fined, but as far as I know she was never presented before any court in this county for a felony or a manslaughter charge. She had only one hand and was a woman of tremendous proportions."

"I remember the woman well," said Captain Frank Harlan, "and was on the force at the time she conducted her house of ill repute. She left Paducah about 1875 and went to Tennessee, and it seems to me that I remember something about her being tried for some serious charge in Humboldt, Tenn., but believe she was cleared."

The records in circuit court were reviewed from 1875 back several years, and they failed to disclose anything, the woman's name being entered for any charge

#### STRANGE STORY TOLD

The whole story came in the following dispatch from Nashville:

Nashville, Tenn., June 3 - Curtis Lane, a L. & N. freight conductor running between Nashville and Evansville, told a story here today that is stranger than fiction. Lane says his father, who had moved from Zeigler, Ill., to Hamby Station, Hopkins County, Ky., just after the Civil War, went to Paducah, Ky., one day to buy some goods. He was to have returned on the third day, but did not come, and was never heard of again until last week. This was in 1873. A few days later the goods for which he went to Paducah came to his wife, but no tidings of the husband and father. Detectives were employed and they visited Paducah, St. Louis, Chicago, Louisville and Hot Springs, Ark., in search of Lane. They spent hundreds of dollars trying to trace him. Just at the time Lane was at Paducah, however, three men were supposed to have been murdered there. About that time a noted woman desperado, Pink Plumber, was arrested for the murder, was tried, convicted and hanged. On the scaffold she told of several shocking crimes of which she had been guilty. Among other things she said she killed three men in Paducah about the time she killed the man for which she was being hanged. One of these

men was killed, she said, near the then Chesapeake & Ohio depot. It was generally accepted that Lane was the man.

Later on, Mrs. Lane married J.T. Denton, of Earlington, Ky., and by him raised a family of children. She had three sons by Lane, one of which is Curtis Lane.

Recently a young man of Evansville, who had lived in Earlington and knew the Lane-Deaton family well, was in Ziegler, Ill., and met the elder Lane. The latter learned the young man was from Kentucky, and inquired if he knew anyone of his own name down there, replied in the affirmative and called the names. Lane then said they were his children. Returning to Evansville, the young man told Curtis Lane what he had heard of the stranger at Zeigler, Ill. Curtis Lane conferred with his brother and a detective was employed who went to Ziegler. This detective returned Saturday and told the Lane boys what they had heard was true. The elder Lane had married again and reared a large family. Curtis Lane left Nashville tonight for Ziegler to see his father and inquire into his strange conduct. The mother is ill at Earlington and she as yet knows nothing of the discovery.

The story was followed up the next day, June 4, 1907, in the *Paducah Evening Sun*.

#### "PINKIE PLUMBER"

WAS NOT HANGED FOR THREE YEARS AFTER DATE FIXED  
Nashville Man Got Twisted in His Story Regarding Notorious Woman

Dispatches from Nashville announcing that Lawson Lane, who was supposed to have been murdered in Paducah, had been discovered alive, and that "Pinkie Plumber," a former resident of Paducah, had been hanged on confession of the crime in Paducah in 1875, created a great deal of interest. The story was strangely twisted, and as far as the woman is concerned, is erroneous.

"Minnie Taylor, alias Pinkie Plumber," stated an old resident who was intimate with her, was not hanged, not here at least, and not for the murder of Lawson Lane. I rented a house from her in Hopkinsville after she left Paducah following the disappearance of Lane. She owned real estate in Hopkinsville; and she married there. One night she quarreled with her husband, who shot at her without effect. Leaving Hopkinsville she settled in Brownsville, Tenn., and this was in 1878 or 1879, three years, at least, after she was supposed to have been hanged, according to the dispatcher."

Digging into news of 1875 concerning Minnie Taylor, the following was found. This news was more than twenty two years before the 1907 articles were published. Verifying her criminal history at that time, the *Clarks-ville Weekly Chronicle*, of Clarksville, Tennessee, published the following on April 24, 1875:

The Paducah News says that Minnie Taylor, a notorious character who formerly lived in Paducah and is now in jail in Humboldt on a charge of murder, has confessed to having murdered in Paducah last year a man named Lane, from Elizabethtown, and thrown his body in the river.



Another newspaper, *The Tennessean*, a Nashville paper, published the following on May 4, 1875:

#### A FEMALE FIEND

A Courtesan Confesses to Three Murders

From the Madisonville (Ky.) Times

On the 9th day of February, 1874, L.R. Lane, a citizen of this county, living at Woodruff Station, on the L.P. & S.W. Railroad, left his home and went to Paducah with a considerable sum of money about his clothes. He was seen in a house of ill-fame in that city about 11 o'clock at night, and was never seen again. This item was published in the Times of February 25, and fears were then expressed by us that he had met a tragic end. Now comes the information that clears up the mystery concerning his sudden disappearance and untimely tragic death. From the Paducah News we learn that Minnie Taylor, a notorious courtesan of that place, better known to our people as Pinkey Plummer, was recently tried and convicted before the Circuit Court at Humboldt, Tenn., for killing her paramour, and sentenced to the Tennessee Penitentiary for life. After her incarceration in jail, finding her case a hopeless one, she confessed to the killing of three men, one of them being Lane. He visited her house as before stated, and they went out riding. She says she killed him and threw him in the river. Lane was a man of family. He married into a respectable family of the county. He came from Missouri to this state.

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#### 1907 – KILLED BY A HOE IN AN ARGUMENT

**Samuel Martin killed Lemma Stokes**

Two men from Union County, just across the line from Johnson, stepped over that boundary and fought, leaving one dying. The case became a Johnson County case at that point. The *Vienna Times* of June 6, 1907, published the following story:

On Tuesday about 11 o'clock Lem Stokes and Sam Martin became involved in a difficulty about 150 yards over the line in Johnson, west of Regent; and it is thought that Stokes is fatally hurt and may die at any time. Both men really live over the line in Union county, but the fight took place in this county. As we get the particulars, Stokes was working in a field and Martin came along the road and they became involved in a difficulty, something about the closing up of a road in which each was interested. The two men were alone and nobody saw the scrap, so far as is known; but it is stated that most likely Martin struck Stokes with something in the combat and took the hoe away from him and struck him over the head with it, leaving him unconscious and he has remained that way ever since, not being able to tell his side of the story. He is badly gashed about the head and otherwise bruised on the arm and wrists. Martin was hurt some, but not much. Martin was arrested and taken before Esq. Theo. Burlison, who bound him over in the sum of \$750, pending a preliminary one day next week. Both are men of family, and Martin is a brother, or half brother, of W.H. and James Martin, of Goreville township. This is an affair to be regretted, occurring between neighbors.

State's Attorney Cowan went up yesterday to look over the ground and ascertain what he could in the matter.

Both men being from Union County, the *Jonesboro Gazette* would be especially interested in the affair. This newspaper, as well as some others, had always thought of Johnson County as a place where murder was rampant, so it is not surprising to see how they headed their June 21, 1907 article. They appear to have gotten their news from the *Vienna Democrat*.

Again we are called upon to chronicle a killing in Johnson county. The parties to the terrible affair were Sam Martin and William Stokes, both of them residents of Union county, but unfortunately for this county the melee took place a few yards over the line to this county. It was caused from an old grudge, and the stories of the crime as told by the friends of the two participants are so different that we do not feel that we would be justified in even attempting to give the facts. It is agreed by both sides that Stokes was at work on Tuesday morning in a field by which Martin started to pass on horse-back, that they fussed and fought, the weapons used being a hoe and a lap ring, and that when they quit, Stokes, though much larger of the two, was unconscious when friends got to him, and remained so, and died Thursday night. Martin claims self defense, but the coroner's jury held him, and he was arrested and placed in jail where he will be kept until he is given a preliminary hearing, or makes application for bail under habeas corpus proceedings. - *Vienna Democrat*.

The *Vienna Times* published a follow up in its June 13, 1907 edition.

## STOKES DEAD - MARTIN IN JAIL

We spoke last week of the combat between Sam Martin and Lem Stokes, which took place near the west side of this county, in Regent precinct, on Tuesday, June 4, and that Stokes who got the worst of it, was most likely fatally hurt, and so it proved, for on last Friday morning about 2 o'clock he died, without ever regaining consciousness from the time he was hurt. States Attorney Cowan and Coroner Hood went up on Friday, and the body was moved over from the home of Stokes, in Union county, into this county and a coroner's inquest was held. Attorney Spann went up to appear for Martin. The verdict of the coroner's jury was in effect that it was unlawful killing. Martin, who has been rearrested by Constable Jolly, was brought to Vienna by Sheriff Mathis and put in jail Friday night, where he still remains pending legal proceedings. likely the action of the grand jury. Just what facts were ascertained at the coroner's hearing we have not learned. It seems that nobody was present or saw the fight except Stokes and Martin. As mentioned last week both men live in Union county but the fight took place about 150 yards over the line in this county, and the trouble came up something about the stopping up a road in which both were interested. Stokes was a man some 23 years of age, with a wife and two or three children. He was a relative of Morgan Stokes, of Mt. Pleasant, as we understand, and is said to have been a very well esteemed citizen. Martin is also a man of a family, and likely not far from the age of Stokes. This is unfortunate, indeed.

According to the Grand Jury indictment against Samuel Martin for murder, Stokes had received several wounds. They were listed as: over the left eye and in the left eyebrow, on the forehead and on the front of the head and on the left and right side of the head about three inches above the left ear and about three inches above the right ear and on the back side of the head. In all, there six counts to the indictment.

The trial for the murder of Lemma Stokes was held in August, 1907. The verdict of the jury, after being out for more than twenty four hours, was as follows: "We the jury find the defendant guilty of manslaughter." It appears that the charge was changed to manslaughter before it went to court or the jury chose a lesser verdict and changed the murder charge to manslaughter.

A receipt from the Southern Illinois Penitentiary at Chester, Illinois, dated September 7, 1907, shows that Samuel Martin was delivered to that institution by Sheriff John Mathis.

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## THE COURTS BEGAN TO GAIN CONTROL OF JUSTICE

For several years, the dispensing of justice was a tug of war between the Courts and the citizens who made up those juries in Johnson County. Quite often the juries, fueled by public sentiment, did what they desired and the Courts were at the mercy of them. Juries could allow people to go free simply because that's what they had decided to do before testimony began. Several people who had committed crimes, and where there was overwhelming evidence against them, were found not guilty. Even some who were found guilty were given light sentences.

The Courts got smarter and the State's Attorneys got smarter. They found that if they could get a defendant to plead guilty to a lesser charge, they could convict and sentence him.

At this point in history, evidenced by the end results and convictions in some cases, the prosecution's offer of a lesser charge in order to get a guilty plea was taking effect. From this point forward many of those charged with Murder were offered a plea deal to the lesser charge of Manslaughter and many took it.

Not only did this result in more convictions, but by more men going to prison, the crime rate began to drop. The crime rate drop and the number of convictions may have been a coincident but for years before this time, people had held the opinion that if more men were convicted of their crimes, then crime would go down.

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## 1910 – VIENNA UNDER SEIGE BY A LYNCH MOB Hosea Taborn killed Allen Clark

If the events of January 1910 would have happened in the era of television and twenty four hour news, Vienna and Johnson County would have held the nation's attention for a few days. Unfortunately, the newspapers of



that time period are no longer available so news articles about the events must be gleaned from newspapers published in other areas.

It all began with a problem on a train passing through Johnson County. The January 11, 1910 edition of the *Inter Ocean*, a Chicago newspaper, brought news that had originated out of Harrisburg.

FEAR LYNCHING WILL FOLLOW SHOOTING ON CAIRO TRAIN  
One of Three Negroes in Quarrel With Allen Clark Jumps From Car, but  
is Held With Companions

Special Dispatch to The Inter Ocean

Harrisburg, Ill., Jan. 10 – Allen Clark was shot and probably fatally injured in an altercation with Hosa and Perry Taborn and Alex Jenkins, negroes, while on a Big Four train Saturday night enroute from Cairo to Carrier Mills.

Hosa Taborn jumped from the train, which was running about forty-five miles an hour, but was captured by the Johnson county sheriff. The other two were arrested at Carrier Mills and all are lodged in the Johnson county jail.

Sheriff Cummins plans to remove the prisoners to Saline county tonight as he fears mob violence.

The above article is mistaken in naming the Johnson County Sheriff as Mr. Cummins. The sheriff at that time was John P. Mathis. The next news that was published is best represented by the January 12, 1910 edition of the *Decatur Herald* out of Decatur, Illinois.

QUICK ACTION BY GOVERNOR STOPS LYNCH RIOTING  
Mobs Gather and Plan to Take Freight to Vienna Where Three Negroes  
Are in Jail Charged With Murder: Deneen Takes Command Over Wire  
STUMPS BIG MOB BY ORDERING TRAIN STOPPED  
Sheriff Swears in Three Hundred Special Deputies and Four Companies  
of Troops Proceed to Threatened Town to Preserve Order

Springfield, Jan. 11 – When Governor Deneen tonight received a call for assistance from Sheriff Mathis in Johnson county, who said a riot was threatened in Vienna, the governor immediately ordered Captains Satterfield, of Mt. Vernon; Greany, of Cairo; Cody, of Paris, and Swain of Danville, with their companies of the Fourth Infantry to report at once to Sheriff Mathis for duty. All orders from the governor were stamped "at once."

The sheriff said he was informed a mob was forming at Eldorado and Harrisburg and planned to go to Vienna on a freight train. At Vienna it was planned, he reported, to mob the jail and lynch three negroes said to be guilty of murder.

Acting Sheriffs Story, a rural route carrier, and Allen Clark\*, were shot Saturday night on a train enroute from Vienna to Harrisburg by three negroes named Josie Taborn, Harry Taborn and Alex Jenkins. These men are now held in Vienna. [\*The sheriffs story part did not happen. Allen Clark was a rural route carrier and the only one shot – editor's note]

To further forestall the reported mob the governor telegraphed superintendant Maloney of the Cairo division of the Big Four railroad, ordering him not to transport any such crowd as that described by Sheriff

Mathis. Governor Deneen also issued a special order to Mathis to swear in special deputies and take every precaution to enforce the law to the letter.

Acting Adjutant General Dickson ordered Major Baumgart, of Danville, to proceed at once to Vienna to command the battalion. Col. Lang, of Jacksonville, of the Fourth Infantry, was also ordered to Vienna. Division Superintendant Maloney of the Big Four wired the governor that his orders relative to the transportation of the mob had been complied with.

Cairo, Jan 11 – Rioting is reported from Vienna, 35 miles north of this city. The local militia company is ordered to proceed there on a special train at once and will leave in an hour. Telephone wires have been cut to this city and Vienna is isolated.

### Mob is Stumped

Vienna, Jan 11 – Mobs that formed at Eldorado and Harrisburg tonight to lynch three negroes here, charged with murdering Allen White, a rural carrier, was frustrated when they could not get a train to bring them here. On instructions from the sheriff the Big Four officials refused to permit freight trains to continue hither from the danger points. None will be run until tomorrow morning at 8 o'clock.

By then four companies of militia ordered here by the governor will have arrived. The jail is heavily guarded. The sheriff has sworn 300 deputies, nearly every available man in the village, to protect the prisoners.

The *Kansas City Times* of January 12, 1910, reported the following [only a partial news clipping is reprinted here]:

Three drunken negroes, Hosea Taborn, Harry Taborn and Alexander Jenkins, shot and fatally wounded Clark, a rural mail carrier, on a Big Four train between Harrisburg and Eldorado Saturday.\* He died tonight. The negroes were arrested and brought to Vienna and put into the Johnson County jail. When news of Clark's death reached Harrisburg the feeling against the negroes was such that a mob began to form at once. The first news to reach Vienna that there would be an attempt to lynch the negroes came through A.W. Sanderson, a Big Four conductor, who reported to Sheriff Mathis when his train reached here.

Vienna, Ill. Is twenty-five miles north of Cairo, where a mob recently lynched a negro and a white murderer.

\*[The news was in error in placing the train between Harrisburg and Eldorado.]

Lynching had not stopped in Illinois by 1910. The action of Sheriff Mathis must be commended for recognizing a potential problem before it could happen, by asking for troops to aid Vienna. He must also be commended for deputizing so many men in Vienna. This may have thwarted any lynch mob from forming in Johnson County; some even may have come from Vienna if they had not been put on the right side by awarding some would-be trouble makers with an official title.

The only news available that actually published how Clark was shot, was the *Chicago Daily Tribune* in their January 12, 1910 edition. Below is a part of their article.

The three negroes, Hosea Taborn, Harry Taborn and Alexander Jenkins, are alleged to have been drinking with Clark on Friday and Saturday in the vicinity of Burnside and that a quarrel arose on the train to this town [Vienna] over a trivial matter. The negroes are said to have assaulted Clark and in the melee which followed the white man was shot.

The actual messages from the Governor and Adjutant General were preserved and published in the January 13, 1910 edition of the *Daily Free Press* of Carbondale.

### TEST OF GOVERNOR'S MESSAGE

According to the Springfield papers the following is the text of Governor Deneen's telegram to Supt. Maloney, of the Cairo division of the Big Four Tuesday night in regard to transporting the Eldorado and Harrisburg mob to Vienna.

"P.J. Maloney, Mt. Carmel, Ill. - Have just received information from Sheriff John T. Mathis, of Johnson county, that a mob is gathering either at Eldorado or Harrisburg, to go to Vienna to mob three colored men, Hosea Taborn, Harry Taborn and Alexander Jenkins. I insist that your road refuse transportation to Vienna from the cities named or any other towns. I have put in a long distance telephone call for you. Will you communicate with me at once upon receiving this? - Chas. S. Deneen, Governor"

At the same time Acting Adjutant General Frank S. Dickson addressed the following message to Captain W.P. Greaney, Cairo, Captain John Coady, Paris, and Captain David R.. Swain, Danville:

"Mobilize your command and proceed to Vienna. Report your command to Sheriff John Mathis."

The *Chicago Daily Tribune*, in its January 13, 1910 edition, praised the action taken by Sheriff John B. Mathis. Most everyone else missed reporting this news.

### HEADING OFF WOULD-BE LYNCHERS

"Somehow good may be the final end of ill." The Cairo lynching last year was disgraceful. So too, was the stubborn refusal of a local grand jury made up of good respectable citizens to indict anybody for taking part in it. The only person who has suffered on account of the lynching has been the sheriff of Alexander county, who was removed by the governor.

The action probably was taken note of by every other sheriff in Illinois. It certainly was by the sheriff of Johnson county. Having reason to believe that a mob was gathering to take a negro criminal out of his custody and lynch him, he telegraphed the governor for aid and got some militia. Pending their arrival he enrolled deputies enough to protect his prisoner. It is a reasonable presumption that if there had not been a lynching at Cairo there might have been one at Vienna.

Some sheriffs may be depended on to do their full duty under any circumstances. Perhaps the Johnson county sheriff is one of them. But



there will always be others who will be more likely to do their duty if they feel that they will be removed if they do not. They are the ones who stand in need of the lesson contained in the removal of the Alexander county man. Henceforth they should be prompt to advise the governor when they fear trouble, and while awaiting aid take every possible precaution. If this be done there will be no more lynching in Illinois.

After all the sensational news was over and the three men were held in jail, Johnson County had to do its business in the matter of dispensing justice. The first item was a complaint filed by Sheriff John P. Mathis to J.S. Bridges, a Justice of the Peace, against Hosea Taborn, Perry Taborn and Alexander Jenkins for murder.

A True Bill of indictment was brought against the three men in the March Term 1910 of the Johnson County Circuit Court. The indictment stated that the three men held a gun against the forehead of Allen Clark and shot him. Most indictments are exaggerated or inaccurate to some degree, so it may be assumed that the action by the three may not have been exactly as stated, especially in light of the verdict that would eventually come from this.

The case came to court in April, 1910 without further incidents. Hosea Taborn plead guilty to shooting Allen Clark and received an indefinite sentence for manslaughter. He was seventeen years old when he was sent to the penitentiary at Pontiac. The other two must have faced trial because a jury came back with a verdict of: "We the jury find the defendants Perry Taborn and Alexander Jenkins not guilty."

The report of the close of the case was reported by the *Cook County Herald*, an Arlington Heights, Illinois newspaper, on June 17, 1910.

Hosea Tabor, a negro charged with the murder of Allen Clark on a Big Four Train at Parker City January 8, plead guilty to manslaughter in the Johnson County Circuit Court at Vienna and was sentenced to the penitentiary by Judge Butler. The state entered nollies against Perry Tabor and Alex. Jenkins, two other negroes indicted with Tabor. It was to protect these negroes that Gov. Deneen ordered the militia to Vienna last January to prevent mob violence.

## 1910 – ANOTHER HANGING IN JOHNSON COUNTY

### Newton C. Blevins killed James DePalma

The local newspapers that were published in Johnson County during 1910 have been lost to history, making it difficult to read the news of events as they happened. Other area newspapers aid the investigation but are somewhat abbreviated.

The news from Carbondale's newspaper, the *Daily Free Press*, of the date, July 2, 1910, brought news of murder that had occurred in Johnson County several days before.

#### CHECK CLEW TO MURDER

Illinois Sheriff Asserts Two Men Cashed Check Belonging to Dead Man

Marion Ill., July 2 – Sheriff [Mathis] of Vienna, came here after Newt and William Blevins, his son, who are held on a charge of murder.

June 10 the two men were seen with James DePalma, an Italian, at Karnak, 40 miles south of this city.

Soon after Blevins returned home and cashed, at the Marion State Savings bank, a \$300 deposit check on a bank in Metropolis, made to James DePalma, the man whom they are charged with murdering. The prisoners are held in the Johnson county jail.

The news from the *Daily Free Press* of Carbondale, reported the following on July 5, 1910:

### Body Recovered

#### Marion Leader;

The body of James DePalma, the Italian foreman of Camp No. 5 of the Carter Construction Company, who was supposed to have been murdered on June 10, was discovered Saturday afternoon shortly after 4 o'clock.

Shortly after the arrest of Newton Blevins and his son charged with the murder of the Italian, a searching party was formed and all day Saturday the country surrounding the place where DePalma was last seen was searched.

The body was found about one-half mile east of the camp where Blevins and his friends had been camped and from where the Italian and Blevins were said to have walked off together.

The body plainly showed marks of violence. The base of the skull was fractured as though struck by some blunt instrument. A bullet hole was found in the head.

Blevins and his son will be given a preliminary hearing at Vienna tomorrow and several will go down from this city to be present at the hearing.

The prosecution claims that the finding of the body in the location where it was found is only another link in the chain of evidence that they state will weave around Blevins. The discovery of the body, the finding of the bullet hole in the head and other facts that have developed all tend to strongly bear out the theory which has been advanced regarding the killing of James DePalma.

The same newspaper reported the following on July 7, 1910:

The Johnson county coroner's jury Tuesday finished the inquest over the body of the murdered Italian railroad boss, James DePalma, and rendered a verdict in the case. Newt C. Blevins, of Marion, is held without bond to answer the charge of murdering him while his son, Will, or "Nigger" Blevins, is held without bond to answer the charge of robbery. The younger man is not charged with a part in the murder though he might later be implicated.

Fortunately, because of an error in the conviction of Newton C. Blevins, the case was brought before the Supreme Court of Illinois. The documentation presented to the justices there has been preserved, giving a good account of events. Using that documentation, the events surrounding the murder will be delineated using excerpts presented below.

James DePalma was an Italian employed by the Carter Construction Company as foreman of a construction gang which had been engaged in constructing a railroad near Marion, Illinois. Newton C. Blevins was a coal miner living at Scottsboro, Williamson County. On June 7, 1910, he and Luke Newton, with four others, went to a place known as "Mason's Tank," in Johnson County, on a fishing expedition. They had with them a tent and fishing outfit. Mason's Tank is one of the tanks on the Big Four railroad from which locomotives are supplied with water and is located just north of Cache creek. The railroad at this place runs in a south-westerly direction. North of the tank is a small lake covering about two acres. Connecting with it from the north is Cypress creek, a stream or slough about forty or fifty feet wide and a quarter of a mile in length. On the west side of this slough the land is high and on the east side of it is low and marshy and covered with dense brush and weeds. At the south end of the lake there is a concrete dam about thirty feet wide, near which the party of which Blevins was a member pitched their tent. John Malee and James Bean, miners from Saline county, were also on a camping and fishing trip and their tent was located nearby. The mines at that time were closed on account of a strike and had been since April 1.

On the morning of June 10 all the party except Blevins and Newton returned to Marion. Before leaving they were instructed to buy some provisions for Blevins and Newton at Marion and send them by express to Karnak, a station about a mile south of Mason's tank. Blevins told them he had no money with which to pay the express on the provisions to be sent, and one of them gave him a quarter for that purpose. Blevins went with them to the water tank before leaving, and after they boarded the train he started to return to the camp.

While walking along the track he met James DePalma, with whom he was acquainted, who stated to him that he was going to visit his brother, who was working six miles below Karnak. Blevins took DePalma over to the camp. He was introduced to Newton and the three of them took several drinks of whiskey. During the conversation which followed, DePalma showed the \$100 in money and a certificate of deposit on a bank in Metropolis, Illinois, for \$300.

DePalma stayed but a short time and then went away, returning again about noontime. According to the testimony for the People, DePalma was last seen eating dinner with Blevins while Newton was sleeping off a drunk in the tent. For some reason, Blevins and Newton abandoned their previous intention of remaining at the camp and on the afternoon of June 10 returned home. DePalma was never seen alive afterwards.

The conduct of Blevins and the exhibition by him of considerable sums of money and the cashing by him of the certificate of deposit issued to DePalma, caused suspicion to be directed against him and a search to be made for the body in the neighborhood or the tent occupied by him and his friends while fishing.

On July 2 a body so badly decomposed as to be unrecognizable from its features was found in the brush on the east side of the slough. There were one or two bullet holes through one side of the skull, and lead was lodged in and taken from the opposite side. Physicians testified that the wounds were sufficient to cause immediate death. Relatives and ac-



quaintances of DePalma testified that they recognized the skeleton as his from dental work done on the teeth and a chip being broken off of one, also from a hat found with the skeleton and the shoes on its feet.

The facts and circumstances proven by the prosecution tending to show that Blevins murdered DePalma and robbed him were very strong. He attempted to explain his possession of money immediately after June 10 and how he happened to cash the certificate of deposit. He testified that he had over \$100 saved up at that time, and that after he and Newton returned home, Newton exhibited the certificate of deposit and asked him to cash it; that Newton gave him to understand he won the certificate in some game with DePalma, and promised he would give him part of the money if he would get the certificate cashed. He testified he took the certificate to the bank, received the cash for it, took it to Newton and Newton gave him three \$20 bills. The testimony of Blevins was contradicted by that of Newton and some other witnesses.

Newton testified that he could neither read nor write. The certificate, when presented at the bank, was endorsed with the names of DePalma and Blevins. The cashier of the bank that issued the certificate of deposit testified he could not say the signature of DePalma on the back of it was in DePalma's handwriting, but in his opinion it was. Mike DePalma, a brother of James DePalma, and T.H. Walker, the contractor for whom James DePalma was foreman, testified the signature on the back of the certificate of deposit was not in the handwriting of James DePalma.

The certificate was cashed at the Marion State and Savings Bank in Marion, and the cashier of that bank testified he asked Blevins, before cashing it, if the signature was DePalma's and why DePalma gave the certificate to him; that Blevins said the signature was DePalma's and that he had traded him some property for the certificate. Blevins testified that Newton told him to make that explanation if the bank made any inquiry as to how he came in possession of the certificate. Newton denied this.

Blevins had considerable money on his way home on June 10 with Newton. Newton testified he showed him his pocketbook with a "wad" of money stuffed into it, but the witness had no knowledge of the amount. The conductor of the train they boarded to go home testified that Blevins exhibited to him a \$20 bill.

Without going through all the steps necessary to bring Newton C. Blevins to trial, the fact that he was charged and tried is obvious by the news account preceding this. The end of the case brought a verdict that went beyond any but one of the known murder cases in Johnson County. The jury not only found Blevins guilty but pronounced a severe penalty against him on August 21, 1910, as follows:

We the jury find the defendant Newton C. Blevins guilty of murder as charged in the indictment herein, and we fix his punishment at death. It is therefore ordered, adjudged and sentenced by the court that Newton C. Blevins on the 21st day of October AD 1910, between the hours of one o'clock a.m. and one o'clock p.m. of said day, be hanged by the neck until dead, and that the sheriff of this county execute this sentence and judgment of the court, in manner and form as is by the statute in such case made and provided, and that he make proper return thereof.

The call for the hanging of Newton C. Blevins was a more severe punishment than Johnson Countians had seen in many years. The county did not have a gallows that could be used. The last hanging was that of Harrison Burklow in 1878, thirty two years previous to this. Nevertheless, the execution of Newton C. Blevins was necessary.

The Carbondale newspaper, the *Daily Free Press*, of August 29, 1910, published the following:

To Hang Oct. 21

Vienna, Ill., Aug. 27 – Judge W.N. Butler this morning at ten o'clock overruled the motion for new trial in the case of Newton C. Blevins, the Scottsboro man who murdered the railroad Italian, James DePalma, on June 10th, near Karnak, this county. Judge Butler immediately passed the death sentence on the prisoner and named Friday, October 21, as the day of the execution. Blevins will pay the death penalty for his horrible crime between on o'clock a.m. and one o'clock p.m. on that day.

Blevins heard read his death sentence with the same cold unconcerned air that has characterized him through the trial and on the day the verdict of the jury was read.

The county authorities will begin at once, the work of constructing the gallows. It will be located near the jail building under the boughs of towering shade trees.

That same newspaper published the following on August 30, 1910:

Blevins in Jackson County Jail

Murphysboro Independent:

Newt C. Blevins, of Scottsboro, Marion suburb, was brought to Murphysboro Sunday afternoon by Johnson county officers to be kept here until October 20 or 21, the latter date being the time set for his hanging at Vienna for the murder of [James] DePalma on June 10.

The Vienna jail is not a very good one and the officials deemed it best to bring Blevins to the strong Jackson county jail to keep him until the time for him to go to the gallows. Two Vienna officers brought the prisoner in on Illinois Central train 202 Sunday afternoon. He was handcuffed. As no one here knew of the plan, there was no interest shown in the arrival of the condemned murderer. He was locked in the "big jail" and a watch was placed over him. All condemned murderers are guarded constantly until they go to the gallows, so they may not receive aid from the outside or end their lives.

The story of Newton C. Blevins still has some excitement that remains before he is delivered back to Johnson County for hanging. The *Daily Free Press* published the following on September 29, 1910, less than a month before Blevins is supposed to hang.

The county jailer of Jackson county on Tuesday after receiving a quiet tip from within the jail there, caught up Newt Blevins, the former Scottsboro man who is under sentence to the gallows for murder in Johnson county, and searched him. A large ugly looking dirk with blade as sharp as a razor on each side was found on his person. It was concealed in his shoe. Blevins is believed to have had the weapon for the purpose of slaying the officer who is to accompany him to Vienna later for execution

and making an escape. It is stated that he will be searched daily henceforth and also kept in close confinement. He has been granted a number of liberties which hereafter he will not get to enjoy. — Marion Post.

As the time for the execution drew near, Johnson County made inquiry to others concerning the building of a gallows. They found that St. Clair County had what they needed. The *Decatur Herald*, of Decatur, Illinois, published the following on October 7, 1910.

### JOHNSON COUNTY BORROWS GALLOWS

St. Clair Will Lend Apparatus for the Execution of Newton Blevins

East St. Louis, Oct. 6 — To show its friendly feeling toward neighboring counties, St. Clair county, Ill., will lend its gallows to Johnson county, which is preparing for an execution.

Sheriff Cashel of Belleville sent a favorable reply Thursday to a letter from the sheriff of Johnson county, asking the loan of the gibbet for use at Vienna, Oct. 21, when Newton Blevins is to be hanged for the murder of [James DePalma]. Johnson county is in southern Egypt near the Ohio river.

Johnson County was prepared to execute Newton C. Blevins by hanging him as the sentence demanded. The hanging would be private with a fence around the gallows, enclosing only a small area. Persons who were selected for various reasons would be allowed to view the execution as witnesses. Gary Hacker, who operates the "From the Past Antique Shop," has a small card that was a ticket for a person to view the hanging.

Blevins' lawyers were not sitting silently awaiting the execution. They had, as previously noted, presented their case for appeal and were able to bring their case all the way to the Illinois Supreme Court. That court, hearing the case, made a ruling for a new trial, stopping the imminent execution of Blevins. The court decided that Blevins had had a weak defense during the trial.

To make a long story short, Blevins was not released; he was still guilty of the crime of murder but his sentence was changed to "Life in Prison." Thus ended the era when Johnson County would send men to the gallows.

He was allowed to withdraw his not guilty plea and plead guilty to murder. He was sentenced to the Southern Illinois Penitentiary at Chester for the term of his natural life.

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### 1910 — A CASE THAT DIVIDED JOHNSON COUNTY

**Thomas H. Sheridan killed Harry Thacker**

Newspapers in Johnson County, as well as other places, were politically oriented, often calling themselves either Democrat or Republican news. The editors of these newspapers often printed editorial comments criticizing one another in their publications. In Mrs. Mae Chapman's *A History of Johnson County, Illinois*, published in 1925, she mentions one instance when the war of words by Thomas H. Sheridan, owner/publisher of *The Vienna News*, and



also States's Attorney at the time, got out of hand. In her book, she wrote the following:

Sheridan engaged in a contest, publishing scurrilous articles against the county officers and others which created a great deal of bad feeling. It engendered bitterness between some of the citizens of the county which took many years to overcome, and finally resulted in Sheridan's killing of Harry Thacker, because of an attack he had made on Harry's father, F.B. Thacker, as a county commissioner.

The killing of Harry Thacker on September 10, 1910 was most likely carried in local newspapers but unfortunately none of those have survived to be perused for information. However, the *Decatur Herald*, of Decatur, Illinois, published the account in its September 11, 1910 edition.

### STATES ATTORNEY KILLS YOUNG MAN

#### Johnson County Official is Lodged in Jail for Safety

Vienna, Ill., Sept. 10 Thomas Sheridan, state's attorney of Johnson county, shot and killed Harry Thacker here tonight. The trouble is said to have been the result of criticisms on the part of Sheridan of official acts of the father of young Thacker. The father is county commissioner.

The son had called upon Sheridan for retraction of criticisms he was alleged to have made in his paper.

In a quarrel which followed Sheridan shot and killed the young man. Owing to feeling prevailing here Sheridan was taken to Cairo and lodged in the jail.

Sheridan had caused a lot of bad feelings between people and those on the other side of his particular arguments were resentful and could have posed a threat to him. Taking him to Cairo to be held in that jail was safer than keeping him at Vienna. The *Cairo Bulletin* published its account of the news on August 11, 1910. Their identification of the deceased person as Frank Thacker instead of Harry Thacker is very noticeable. Be advised also that as Sheridan refers to "a cut," he is talking about a news article photo. The *Bulletin* story follows:

### KILLING AT VIENNA

#### T.H. Sheridan, Lawyer-Editor, Shoots Frank Thacker\*

Thomas H. Sheridan, editor and publisher of the News in Vienna, Johnson county, Illinois, is in the county jail in this city because of a shooting affray to which he was a party in Vienna yesterday afternoon about 4:30 o'clock. He was brought here on the Big Four train last evening by Sheriff Matthews\*\* of Johnson county.

The other party to the trouble was Frank Thacker,\* son of F.B. Thacker, formerly county commissioner. The former was about 30 years old and single.

The first report of the affair came to the Bulletin by long distance telephone from Judge W.N. Butler, who has been holding court in Vienna. Judge Butler's story was brief, being that the two men had quarreled about something that Sheridan had said about his father in the News, that Sheridan had shot Thacker and that the latter was dead. The judge said also there was much excitement in Vienna over the affair and that Sheri-

dan had been taken to Cairo for safe keeping as his life was considered in danger in Vienna.

Sheridan is states attorney of Johnson county and Judge Butler appointed David S. Cowan as acting states attorney, temporarily.

A Bulletin reporter saw the prisoner at the court house last night and obtained from him a statement of the affair, substantially as follows:

The father of the young man met me near my office and asked me for a cut of him that I had in my office. I saw his son standing near but paid no attention to him. I went upstairs to get the cut for Mr. Thacker and brought it down to him. I returned up stairs and was followed by young Thacker half way up the stairs abusing and assaulting me, striking me several times, and then I shot him. I fired only one shot and he fell, and I gave myself up to the sheriff.

The prisoner's lip is swollen and he bears bruises on his face to show that he had been assaulted. He said one of his teeth was knocked out.

Sheridan came to Vienna from Golconda, and has been quite prominent in the former city during his 18 years residence there. He was county judge one term, served in the state senate, was superintendant of schools and is now states attorney. He has been involved in bitter political fights and as editor of the News has criticized officials severely from time to time and made some bitter enemies.

\*[should be Harry Thacker] \*\*[should be Sheriff Mathis]

The *Jonesboro Gazette* published the following on September 16, 1910:

Young Thacker died Saturday night. The immediate cause of the tragedy was that the last issue of Sheridan's paper, The News, held the elder Thacker responsible as chairman of the board of county commissioners for the loss to the county of a large sum in railroad taxes.

Attorneys for Sheridan did not want him confined in the jail at Vienna because a man was there whom he had helped to convict of murder and who was under a death sentence. Sheridan had to be confined in the jail in Alexander County at Cairo and transported by train to court in Vienna for any legal proceedings.

In November, Sheridan was indicted by a Grand Jury for murdering Harry Thacker. The *Pulaski Enterprise* reported the news of that action on November 18, 1910. Their commentary makes it difficult to understand whether they were surprised that a jury could be found without prejudice because of Sheridan's past rhetoric or not. That article is published as follows:

#### Sheridan Indicted

At Vienna, Wednesday, a true bill was returned to the grand jury by a vote of 12 to 11 against Thomas H. Sheridan, charging him with murder, in the killing of Harry Thacker, in that city some months ago. The foreman of the jury appointed by Judge Butler, was the only man of the 23 who had had a personal quarrel with Sheridan.

Sheridan was released on bail in the amount of \$10,000 after the indictment for murder. His trial was then continued until the March term of 1911.

His attorneys used every method they could to confound the system. Their first move was to make a motion to quash the indictment. At every month's session of court, news came out that the trial was continued over until the next term.

In August, Sheridan's attorneys made a motion for a change of venue to another Judge. That motion was granted but the trial was still to be held in Johnson County. The case was then continued to the November Term 1911. The case was first brought before Judge Butler, who immediately sent it to Judge Jett to avoid any impropriety. Upon Sheridan's request, it was now going to be heard by Judge Deneen.

The case was not heard in November but was continued into the next year. The next news related to the case was from the *Daily Free Press* of Carbondale on February 8, 1912 was a reprint of a news item that originated out of the *Cairo Citizen*, presumably from the day before.

#### Fire Destroys Vienna News Office

The *Cairo Citizen* says: Fire broke out at Vienna Wednesday morning destroying the Knabel building, a brick building on the west side of the square occupied by the grocery stores of R.M. Kinty and Mullinax, a sheet iron building adjoining to the south occupied by Cooper Sanders as a restaurant, and the building to the north occupied by the dry goods and clothing store of A. Rodenburg\*. [Should be "Rosenburg."]

The fire started upstairs in the Knabel building, which was occupied by the office of the Vienna News, Thomas H. Sheridan's paper, and by the law office of Mr. Sheridan. Both were completely destroyed, as was Mr. Sheridan's entire law library, and the stock of groceries downstairs.

Upstairs over Rodenburg's\* store was the living quarters of his family.

The flames were checked with the destruction of the three buildings. The fire attracted a great crowd who did what little they could in fighting any spread of the flames. This side of the square has been burned down twice before.

Thomas H. Sheridan, owner of the newspaper, is under indictment for the murder of Harry Thacker, and his trial is set for next April. It was his newspaper attacks which led to the tragedy which caused the death of Thacker and the indictment of Sheridan, then states attorney of Johnson county, for his murder.

The writers of this book are in no position to comment on whether the fire was an advantage or disadvantage to Sheridan, concerning his trial. It did come at a time when most people would have questioned how and why it happened.

Finally, on April 15, 1912, the Sheridan murder trial began in the Johnson County. Of course, Sheridan was ready to plea self defense being the reason for killing Harry Thacker. The first panel of prospective jurors was soon exhausted and Judge Deneen ordered that 200 more men be brought before the court to see if they could serve.

The case did not actually begin until the jury had been picked and all the final motions were completed. The next news of the court was from the *Cairo Evening Citizen* of Wednesday, July 29, 1912.



## GIRL BROKE DOWN ON WITNESS STAND

As She Told the Story of the Quarrel that Led to Her Brother's Death  
SHERIDAN TRIAL RESUMED THIS MORNING

State Continued to Present Evidence to Prove Harry Thacker's Death  
was Unwarranted

Vienna, Ill., July 29 — Miss Kate Thacker, sister of the victim, Thomas H. Sheridan's bullet, was the first and principal witness in the trial now in progress in the Johnson County circuit court to determine whether Thomas H. Sheridan was guilty of murder in killing Harry Thacker in September of last year. She told her story of the tragic events of that day, of which she was a witness and broke down and cried when they were again brought vividly to her mind.

Court was a little late in opening this morning. Judge Duncan came over from Marion in an automobile which broke down on the way over and occasioned some delay. Shortly after 8 o'clock, however, the trial was resumed with Miss Thacker on the stand. The adjournment from Saturday gave everyone a chance to rest and the attorneys and jurors all appeared refreshed. At the time of the tragedy which ended her brother's life, Miss Thacker was employed in the circuit clerk's office. She was on the street talking with some other ladies just before the trouble and saw her father meet Sheridan and get the cut of himself that had caused all the trouble. This was a newspaper cut that Sheridan had run in his paper, in connection with the article reflecting on Thacker. The witness said that Sheridan spoke to her father as he gave him the cut and his manner was very gruff and he seemed very angry. Witness then started up the street and the next thing she saw her brother, Harry and Sheridan in a scuffle on the stairway leading up to Sheridan's office. She said that Sheridan had her brother's head down, under his arm, while her brother was trying to hold Sheridan's right arm in which Sheridan held a gun. She said she screamed and then she heard the shot fired and saw her brother fall. Here she broke down and cried.

The cross examination was conducted by Attorney White of Marion, in which the attorney for the defense tried to bring out the fact that Harry Thacker had come to Vienna on that day with the intention of giving Sheridan a whipping. The witness denied positively that her brother had come to Vienna with any such intention. She was asked if she did not say that she hoped her brother would make a good job of it, or that if she was a man she would whip Sheridan, but entered denials of both conversations. She did admit that her feeling toward Sheridan prior to the day of the murder was bad.

Following Miss Thacker, William Moore, Sheriff John Mathis, Deputy Sheriff Veatch, Dr. McCall and Earl Veatch testified during the forenoon. Sheriff Mathis arrested Sheridan in his office shortly after shooting and he was spirited out of Vienna and brought to Cairo by Deputy Sheriff Veatch.

A strict control is kept of the crowd attending the trial. The opera house does not hold many persons and only as many as can obtain seats are allowed to attend the proceedings.

The reason court was being held in the Vienna Opera House is because the courthouse was undergoing some renovations which included adding a

heating system and changing the stairway leading to the court room, from the north to the south side of the hallway on the main floor.

The *Cairo Evening Citizen* of July 31, 1912, brought Sheridan's side of the story.

#### SHERIDAN TOLD HIS STORY TODAY

Defendant on Stand Gave His Version of Trouble Leading to the Homicide

#### COURT RULES OUT COPIES OF PAPER

Sustained Objection of Defense Against Admitting Articles Attacking Thacker

Vienna, Ill., July 31 – Thomas H. Sheridan, the defendant, took the stand in his own behalf shortly before 10 this morning. His defense and cross examination occupied the remainder of the morning. He told of having been repeatedly warned by friends of threats made against him by Harry Thacker, as a result of articles that had appeared in Sheridan's paper. Defendant told of being accosted by Harry Thacker in his stairway a few weeks prior to the difficulty. On this occasion Thacker threatened to whip Sheridan and he walked away to avoid trouble. Sheridan had found cards placed under his door at his office on several occasions on which were written threats against him. One of these occasions he heard the door open and on going to see who was there saw Harry Thacker going down the stairs. Thacker looked back and warned Sheridan to get his head in the door. Then he told him his meeting with Frank Thacker and the circumstance concerning the cut. Witness told of getting the cut and handing it to Frank Thacker, when he turned to go up the stairs, when Harry Thacker grabbed him. Sheridan pulled away and again started up the stairs, when Thacker grabbed him and began striking him in the face and on the head, as he is so, bearing down and pressing his arm around defendant's head. He stated that he was in a weak physical condition as a result of chills and fever and believing Thacker had a gun, and was going to kill him, defendant pulled his gun out of his coat pocket and fired one shot. Had been assaulted several times previously and carried the gun for the purpose of self-defense, as he was not physically able to defend himself.

Tuesday night's session was devoted to the testimony of witnesses regarding the threats said to have been made by Harry Thacker against Sheridan. John Slack testified Tuesday afternoon of having sold cartridges to Harry Thacker a few days before the killing and the following night had seen Thacker hiding behind a rose bush in Jean Beal's yard, with revolver drawn. This place is on the street leading to Sheridan's home.

The testimony will likely be conducted today after which the argument will be begun.

The court at noon today gave his decision in the matter of the introduction of copies of Sheridan's paper containing the articles attacking Thacker, sustaining the objection of the defense against their introduction.

The *Cairo Evening Citizen* followed up on August 1, 1912, publishing three articles with news of the Sheridan trial. Those articles follow:

## ATTORNEYS MAKE PLEAS TO JURY

And Fate of Thomas H. Sheridan, Slayer of Harry Thacker, Will Soon Be in Their Hands

## ENTIRE COUNT IS LINE UP IN CASE

Either for or Against the Defendant – Rebuttal Testimony Presented Last Night

Vienna, Ill., Aug. 1 – A death like silence hung over the court room today while the attorneys for the opposing sides in the Sheridan case deliver their arguments to the jury. The building was packed from the stage to the stairway leading to the street, and the public square was a mass of vehicles, the entire population of the county having come to town to attend the most dramatic trial in the history of Johnson County made so by the fact that the state's attorney, the public prosecutor, was on trial for his life.

Attorney Cowan for the state laid much stress on the point that Sheridan had not sought to avoid trouble, but had rather forced it upon himself by his repeated articles regarding the Thacker family, which he continued to publish after he had been warned to the contrary. The attorney endeavored to show that Sheridan, owing to his position in life, having been a school teacher and a lawyer, was all the more dangerous to society, judging by his acts.

Attorney Hartwell for the defense sought to prove that Sheridan had endeavored to avoid trouble with Thacker on numerous occasions by going out of his way to keep from meeting Thacker. The attorney reviewed each article written by Sheridan and raised the point, if a newspaper man did not have the right to expose the public acts of officials, if in his judgment he believed them to be contrary to law and the welfare of the people of whom he was a public servant.

The attorney contended that the fight being made against Sheridan was the result to these articles, exposing true conditions as Sheridan believed them, and a desire to get Sheridan out of the way before he might expose too much. Attorney Hartwell became very dramatic and when he closed someone started to applaud. He was followed by Attorney English for the state who delivered a strong speech for the state. Attorney White and Green for the defense spoke immediately following the noon recess and Attorney Lingle will close for the state late this afternoon.

Vienna, Ill., Aug 1 – The court house was crowded to its fullest capacity this morning with the relatives and friends of the defense and prosecution when the arguments were begun in the case of Thomas H. Sheridan, charged with the murder of Harry Thacker.

There is probably not a man, woman or child in Johnson County who is not lined up either with one side or the other. There is no middle ground. The feeling is intense.

Special State's Attorney Cowan made the opening speech for the state this morning speaking an hour and a half. He was followed by Attorney Hartwell for the defense. Attorney English spoke for the state just before noon. This afternoon Attorneys White and Reed Green will follow for the defense and Attorney Lingle will close for the prosecution.

The instructions to the jury will probably be delivered by the court Friday morning.



### Prosecution Attacks Slack's Testimony

The afternoon and evening session of court Wednesday were spent in hearing testimony in rebuttal. A large number of witnesses were called by the state for the purpose of impeaching the testimony of John Slack, the witness for the defense who testified that he saw Harry Thacker hiding behind a rose bush in the yard of Jean Beal on the Wednesday night, Sept. 7, 1910. The state endeavored to prove by the testimony of these witnesses that on the night in question, Harry Thacker was sitting up with a corpse at the home of Tom Burris, a mile and a half west of Vienna, and that the weather on that night was cloudy and it had been raining and on the following night, Sept. 8, 1910, Harry Thacker was at the home of his aunt, Mrs. Mary Thacker, about five miles east of Vienna until nearly 10 p.m. Witnesses who gave this testimony were Tom Burris, Ward Burris, Mrs. Looney, Tom Coleman, Mabel Burris, Joe Crice, Mrs. Cates, I.T. Cummings, Ed Simpson and Dr. and Mrs. Brown. These testified that Harry Thacker on Wednesday night, Sept. 7, 1910, sat up with the corpse as above stated. Those who testified that Harry Thacker was at the home of his aunt, Mrs. Mary Thacker, on the following night were Mrs. Mary Thacker, Arthur Thacker, Americus Thacker, Nora Thacker, Samuel Gourley, and others.

On cross examination the defense endeavored to break down this testimony as to the witnesses actually knowing where Thacker was during the entire evening and attempted to make the witnesses admit that he could have left sometime during the evening without their knowledge. They also endeavored to entangle the witnesses regarding the weather on that evening.

The feeling is most tense. The attorneys are fighting every inch of the way and the excitement is running so high that the very air is surcharged with feeling. One senses it the minute he steps into the court room.

During his examination and in fact throughout the trial, Sheridan has appeared cool and self-possessed.

The biggest news of the trial came from the *Cairo Evening Citizen* on Friday, August 2, 1912. A portion of that article appears below, omitting a repeat of information already published.

Vienna, Ill., Aug 2 - "Not Guilty" is the verdict of the jury in the case of Thomas H. Sheridan charged with the killing of Harry Thacker at Vienna, Ill., on Sept. 20, 1910.

Decision was reached at 11:30 o'clock, less than two hours after the jury took the case and the state's attorney and editor is now a free man.

The jury repaired to the Masonic Hall after receiving the case, where they reviewed the evidence before reaching their decision. The opera house, where the case was held on account of repairs being made to the court house, was without a proper place for the jury to discuss the case away from all outsiders.

The effect of the verdict on the people of Johnson County only tended to widen the breach existing between the two factions - the friends of the Thackers and the friends of the Sheridans. But there is one especially happy woman in Johnson County and that is Mrs. Sheridan, wife of the defendant, who has been in constant attendance at the trial, but who dis-

played no emotion whatsoever, having wonderful control of her feelings, which nevertheless were deep-seated.

The jury was composed of J.R. Tyler, H.A. Cox and Guy Osborne, of Ozark; Sam Firley, Will Litaker and M.J. Bost, of Cache Township; R.L. Ross of Simpson; Joe Jenkins, Daniel Hudspeth, J.A. Hettig and Van Denison, of Goreville and Joe Miller, of Cypress.

The case, which has been continued on several occasions, came to trial on Monday Morning, July 26th. The jury was not secured until the following Friday and over a hundred venire men were examined. The case was hard fought by the attorneys on the opposing sides every inch of the way and nearly a hundred witnesses were examined.

The tense feeling, the pent-up emotions and the physical and mental strain under which the defendant, the plaintiff, the attorneys, the jury, witnesses and the large crowd of spectators, have labored during the two weeks of the trial of Thomas Sheridan, have characterized it as one of the most dramatic cases that has ever come to trial in Johnson County and probably no case here has ever created such wide interest or aroused a greater amount of feeling and animosity between the relative and friends of the opposing factions.

On one side of the room sat an old man, father of the deceased, bent with age, feeble in voice and limb, his hair snowy white, suggesting the ripe old age which he has now reached in the downward journey of life. There he sat surrounded by his family, whose blanched and worn faces depicted the ordeal through which they have been passing, and whose heart aches stained their cheeks with tears, their souls hungering for the conviction of the man who took the life of their son and brother.

On the other side of the room sat another man, now no longer young. He too is somewhat stooped. No longer has his stride that elastic spring of youth. His head is also sprinkled with the gray hairs of advanced years. What was the expression mirrored on his face? It was the desire for freedom, the expectant and appealing look that his plea of self-defense would be vindicated. This is the picture of Thomas H. Sheridan – hopeful, cheerful, courageous, surrounded by his family, on whose lips was the prayer that their husband and father should be exonerated for the crime of which he was charged.

And the jury, twelve patient men, whose faces have withheld all expression of their feelings in the case with wonderful, self-control, endeavoring to keep the oath to which they were sworn to fulfill their duty to the state and mete out justice as they saw it to their fellow man.

Such a marked contrast it was that pervaded the old building – the opera house – where laughter and merriment gave place to grave faces and a deep silence, with one faction picturing justice behind the bars; the other, the restoration of a happy home and fireside.

Nothing more can or should be said about the trial that divided Johnson County than that which was written by Seldon Fisher, the writer of the above. His description of the people of the county and those who participated in the trial should not be commented on. To catch the mood of the people, it is always better to hear from one who was there during those months.

## **1910 – A MYSTERY SHOOTING**

### **Kitt Taber is the victim**

A document in the files of the Johnson County Court records stands alone with no other papers connected to it. It appears to be the verdict of a Coroner's Jury. The document form has the header "Verdict of Jury" and a preprinted statement: "In the Matter of the Inquisition on the body of \_\_\_\_." The date is November 6, 1910. It says that Kitt Taber came to his death by "gun shot wound in the hands of party unknown to us."

A case identifying Kitt Taber is not listed in any court documents or court record books. Newspaper investigation is fruitless because no local newspapers are available for the year 1910 and no other area newspapers mention Kitt Taber.

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## **1911 – MURDER AT THE POOR FARM**

### **B.K. "Klebe" Jacobs killed George W. Henson**

Johnson County, like all counties, were obligated to care for their poor. The solution for those who had no family or other resources was that they would be provided a place to live and eat. All counties had a Poor Farm, that place provided for by the county for their welfare. The inhabitants of these places worked on the farm and helped to provide for one another.

On December 26, 1911, George W. Henson died at the hands of B.K. "Klebe" Jacobs. He was buried at the Poor Farm Cemetery. Klebe Jacobs was arrested and placed in the Johnson County jail. According to a Coroner's Jury, George Henson was killed by Klebe Jacobs who struck Henson on the head with a stick of wood.

Apparently no action was taken against Klebe Jacobs.

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## **1912 – ACCIDENTAL SHOOTING?**

### **Duff Howell killed Charles M. Farris**

News began reaching some parts of Johnson County as soon as Charles M. Farris was killed on Sunday, April 7th, but some did not learn of it until the *Vienna Times*, being a weekly newspaper, reported the incident on April 11, 1912.

### **C.M. FARRIS KILLED BY DUFF HOWELL**

We are called on to chronicle another killing in Johnson county. We wish it were not so. This seems to have been an accidental killing, but Charles M. Farris, one of the county's best known citizens, was called in to eternity very suddenly on last Sunday. As the coroner's jury has not made its report so far as we have heard as yet, we shall not attempt to give any detailed evidence this week.

Mr. Farris was returning from Grantsburg in his wagon last Sunday, where he had been to take some relatives or friends to the train, and had driven up and stopped to talk with his sister, Mrs. Joshua Howell, and his



nephew, Duff Howell. Charley was sitting on a spring seat in the wagon. Duff, who is said to have been under the influence of liquor, had a pistol, a 32 automatic in his hands, and remarked to his Uncle Charley that he could shoot his hat off his head, when Charley rather joking replied that he couldn't or words to that effect, when Duff fired and Charley throwing his head back the ball struck him just above the left eye. The team was standing near the lot gate and ran away into the lot and got hung up on some of the buildings. Charley raised and fell over the seat in the back part of the wagon, and when his sister reached him in the lot he was dead; death being almost instantly. The ball tore up the back part of his head considerably as we understand. Duff, when he realized what he had done, acted like a crazy man; went in through the house, got a shotgun and left the premises. The shooting occurred about one o'clock p.m. Sheriff Veach was telephoned to by Mr. Howell, Duff's father, and he went out and made a search for Duff, but never found him.

It seemed to be the general opinion and understanding of the family that it was an accident, although a very much uncalled for and sad one. Coroner Hood was notified and impaneled a jury and went out and heard some of the evidence that evening and night, but adjourned over until to-day to finish up. The body was removed to his mother's, Mrs. Mary Farris', where Charley and his wife also made their home, some 3 ½ miles east of town. The funeral was held at the home on Tuesday at 2 p.m., conducted by Eld. J.L. Payne, pastor of the Vienna Baptist church, assisted by Rev. McKown, of the M.E. church, in the presence of a vast concourse of sorrowing relatives and friends. It was certainly a sad funeral occasion, as nearly all the family and relatives are prostrated over the affair. The interment took place at the Johnson cemetery near by the home after the funeral services.

Search was kept up for Duff Howell by the family and friends, as they seemed to fear that in his remorse he might commit suicide, but he came in home Tuesday and has been there ever since, as we learn, but is considerably remorseful and "broken up," as we learn, as is his father and mother, besides the aged mother of the deceased and his good wife. We suppose it will be owing to the verdict of the coroner's jury of to what steps will be taken.

Duff Howell is a married man, and lives just north of his father's near the Wartrace school house.

Another black eye for whiskey. Oh! That people could realize its dreadful effects and the woe and misery it causes. We will give further obituary of Chas. M. Farris next week.

According to the obituary of Charles M. Farris, he was born March, 1865 and was 47 years old when he died. He was the son of Thomas G. and Mary A. Farris. He had become a teacher in his early years and in later years, besides farming, he had become involved in real estate and loans. He even had ran for senate in 1890.

The investigation by the Coroner's Jury found that Charles M. Farris and Duff Howell both came to the house of Charles' sister riding in the same wagon. According to witnesses, Duff said to Charles that he could shoot a hole through his hat while it was on his head. Charles said not to try

it and others standing there told Duff not to try it because he might hit someone. The incident happened about 3:30 pm.

According to Duff Howell, he saw Charles coming from Grantsburg going toward his father's house so he got in the wagon and rode with him. While they were together, Duff says that he took about four drinks and Charlie had one more than he did. Duff said that when he left after the shooting, he stayed in the broom sage on Mollie Howell's place. Before daylight he went to a straw pile on his father's place and about sun up, he went into the woods and stayed all that day, Monday. On Monday night he stayed at the home of his uncle, Tom Renfro and on Tuesday morning went with Charlie Renfro to his father's house.

According to Dr. McCall who removed the lead ball from Charles Farris, he said that because of powder burns on Farris' face, the person doing the shooting had to be standing three or four feet from Farris when he was shot.

The report of the Coroner was that Charles M. Farris died from a pistol shot by Duff Howell on the afternoon of April 7, 1912, through the criminal carelessness of Duff Howell. The recommendation was that Duff Howell should be held for manslaughter.

The Grand Jury indictment of October 4, 1912, charged Duff Howell with the murder of Farris. H.A. Spann, a family friend, was elected to the office of State's Attorney and at the March term 1913, submitted a request that the court appoint a special State's Attorney for prosecution of Duff Howell.

The case was continued and then was finally stricken from the docket on March 28, 1911.

## 1912 – ACCUSED OF MURDERING HIS FATHER-IN-LAW Jesse Edward Wamsley accused of killing Daniel C. Robertson

The *Cairo Evening Citizen*, being a daily newspaper, got news out more quickly than the Vienna newspapers. They published a story on September 23, 1912 that had come from Vienna. Some names in the article that follows are in error, but the editors will replace them with the correct names.

### MAN BURNED TO DEATH AT VIENNA

[D.C. Robertson], Aged Father of J.A. Robertson, Loses Life When Barn Burns

### FOUL PLAY IS SUSPECTED

W.S. Wamsley is Suspected — Inquest Being Held and Great Excitement Prevails

Vienna, Ill., Sept. 23 — News reached Vienna Saturday evening that the barn of J.A. Robertson, near [Ganntown], in this county, had burned at 2:00 o'clock p.m. and that his aged father, [D.C. Robertson], was burned with it. Sheriff Veach, Coroner Dr. H.J. Elkins, and State's Attorney Sheridan and several of our citizens went out to hold the inquest and Saturday afternoon and all day Sunday great crowds gathered there. There seems to be some foul play.

The particulars are as follows: The Robertson family moved to [Ganntown] from Danville, Ill., some time ago and bought land in this county and were considered quite wealthy. He and his son-in-law, [J.E. Wamsley], were in the barn on his son's place to get some sheep. The son-in-law, Wamsley, who is strongly suspicioned of foul play, tells the following story. He was at the farm of his brother-in-law cutting corn, which was the home of the deceased's son. The elder Robertson had bought some sheep from the son and went to get Wamsley to help him drive them home. The Robertson family were away from home and there was no one present but Robertson and son-in-law Wamsley. Wamsley says that Robertson went into the barn and climbed in the hay loft to throw down some hay and called to him to come to him. As he was climbing the loft something struck him on the head and he fell to the floor unconscious, and when he came to himself, the barn was on fire, he ran out in a dazed condition. Ed Carlton, Jr., who was hunting some distance away heard a gun fire and as he reached the top of a hill, he saw smoke issuing from the barn. He ran over there in time to see Wamsley running out of the barn. We first whistled to him and then called him; he stopped and said he believed the old man Robertson was in the barn burning up. At this time the fire had gained such headway, neither of them could enter and all was consumed by fire.

The body of Robertson was all burned but the trunk of the body, also about 40 head of hogs. There was two shot guns burned in the barn and one gun with both shells snapped by the plunger, were also found in the ruins. The body was burned so bad that it could not be ascertained whether he had been shot or not. Wamsley had several bruises on his head and face and is still sticking to his story he first told. Robertson was at the barn of his son, J.W. Robertson. His home had burned some six weeks ago. The coroner's jury is still investigating and no arrests have yet been made. Some of the elder Robertson's children arrived from the north at noon yesterday and went out to the scene of the tragedy to take the remains back to the old home near Danville, Ill. for burial. The general opinion of our citizens is that this is one of the worst crimes in the history of the county and whether son-in-law or some unknown party did this deed, is yet to be learned. We learn that the family have secured the services of a detective who will soon be put to work on the case. Our county officials are doing all they can to solve the mystery.

The *Cairo Evening Citizen* again reported on the incident in its September 24, 1912 edition. This time, they appear to have gotten the names of some of the people corrected and had learned how to spell Ganntown.

#### WAMSLEY HELD FOR ROBERTSON'S DEATH

Examination of Dead Body Revealed Shot Showing Murder Caused Death

#### REMAINS BURIED AT DANVILLE MONDAY

Wamsley Bought Black Suit to Wear at Funeral, But Was Not Allowed to Go

Vienna, Ill., Sept. 24 – The coroner's jury and county officials after investigating the death of [D.C. Robertson], who was burned in his son's barn on last Saturday afternoon in Johnson County near Ganntown, after a thorough search and taking testimony, returned a verdict late Monday



afternoon to the effect that the deceased had been murdered and death was caused from shotgun wounds. On examining the trunk of the body they found numerous shots with four in the heart.

The son-in-law, J.E. Wamsley, who was with Robertson at the time of the murder, and was the only person known to be about the premises at that time until the arrival of Deputy Sheriff Ed Carlton's son, who was hunting nearby, was held without bond to await the action of the grand jury, which convenes next Monday. He is now in jail and declares he is innocent. It is said his wife, mother-in-law, and brother-in-law, all believe him to be innocent.

The remains of [D.C. Robertson] were taken to the old home near Danville, Ill., for burial Monday afternoon accompanied by his wife, son and daughter.

The accused man seemed terribly disappointed that he did not get to go and help bury "Dad," as he put it. He had just bought a new black suit of clothes from J.H. Carter & Company, his mother-in-law, Mrs. Robertson, standing good for them to go with the funeral party.

There is considerable mystery surrounding this murder and much talk and excitement among the citizens all over this section of the county. The family of people just lately bought land in the southeast part of the county and moved there from Danville, Ill., and not much is known of them. They seemed to be people of wealth and to be good, desirable citizens. Most of our people think Wamsley guilty and some seem to think him innocent. He is putting on a good front.

Some think there is still a deeper mystery yet surrounding this murder, as the deceased's residence was burned very mysteriously some six weeks ago. Wamsley was held only on circumstantial evidence and unless some new evidence appears, it is not likely he will be convicted.

The Robertson family evidently felt that Wamsley was guilty of the murder of Dan C. Robertson because they hired the State's Attorney J. Mart Newman of Douglas County, where they lived, to go to Vienna to help prosecute Wamsley.

During the investigation, it was learned that J. Edward Wamsley, as he referred to be known by, was a photographer in the area where he had lived before moving to Johnson County to work on the family farm. The *Decatur Review* of Decatur, Illinois, made note of his occupation when they also published a report that he had been released on a bond of \$15,000. The trial was put off until March of 1913.

As time went by, new evidence was discovered but the strongest was the eyewitness account of young Carlton, the lone witness. News of this witness was reported in the *Decatur Herald*, also from Decatur, Illinois. A portion of an article published on April 1, 1913, says:

There seems to be but one witness of any importance and that is a young boy, the son of Deputy Sheriff Edward Carlton of Johnson county. At the time of the alleged quarrel between Wamsley and Robertson, the Carlton boy was returning from a hunting trip and passed through the Robertson farm. He was attracted, he says, by two men standing in the barn door and who seemed to be quarreling. One of the men he later identified as Wamsley. He says that the men went in the barn and in a

short time he heard a shot and saw the barn on fire. Wamsley he said, ran out and told him that a tramp had shot Robertson and set the barn on fire. Carlton says he saw no tramp in the neighborhood, and when the fire was over there was but one body to be found.

By the time the trial finally came to court in July 1913, Vienna was prepared for the large number of people that would be coming to Johnson County to attend the trial from Wamsley's home area. The press seemed to view this trial with as much fanfare as the Scopes Monkey Trial in Tennessee would be in 1925.

The *Decatur Herald* published an extensive account of the trial. Their newspaper of August 3, 1913 had large pictures of the courthouse and a photograph of the trial as it was going on. The scene showed the courtroom, as it once was, where there were few partitions and the large courtroom was open from the windows on the east side to the west side with the jurors sitting in front of the huge east windows. The article of August 3, 1913 in its entirety follows. It was written by a person who thought of himself more highly than he should have and thought of Johnson County people as bumbling fools.

#### IN JOHNSON COUNTY WHOLE COUNTRYSIDE MAKES A BUSINESS OF ATTENDING COURT

Lights and Shadows of In and About the Temple of Justice in Vienna to Which a Good Part of the Male Population of the Corn Belt Moved Last Week to Testify and Incidentally to Study the Manners and Customs that Prevail in "Egypt."

Vienna, the little shire town of Johnson county, hardly knows that this is the 20th century. A branch of the Big Four cuts through its eastern border, and five miles to the west is the C&EI from which passengers and mails are transported in carriages. These are the only reminders of a hustling, bustling, commercial are that strike upon Vienna's pristine quiet – oh, yes, the streets lighted by gas. There are all of three or four autos in town and they have become so common that Vienna residents merely remark "There goes an automobile" instead of jumping up and craning their necks after it.

It was here that J. Edward Wamsley, the former Decatur photographer, was tried last week for the murder of his father-in-law, Dan C. Robertson. It really suggested a change of venue. Absorbed as were the residents of Vienna in the proceedings, it was of even greater interest to the people of three counties in the heart of the Corn Belt.

Both the Wamsleys and the Robertsons are from Douglas county, and in Vienna are strangers in a strange land. Most of the witnesses were from Douglas, Macon and Vermillion. Down in that little lonely, backwoods hill town a Corn Belter, summoned as a "character witness" saw on every corner faces he knew and heard, names with which he was familiar. It almost seemed ridiculous that the trial should have been held in Johnson county at all. But the play was staged in Johnson county's midst and to cost the county a cool \$2000 to see the show. Indirectly, of course, it got some of it back. On other things Vienna may be behind the times, but on food prices the town is right up to date. Restaurant proprie-

tors must have taken in last week more money than they ever saw before in all their lives.

When the hack from the C&EI or the 'bus from the Big Four hauls you into town, it dumps you off at the Perkins House, Vienna's sole and only hostelry.

Over the writing desk in the office is a card which says "Vote for Pleasant T. Chapman, candidate for congressman, subject to the Republican primaries the first Tuesday in August, 1908." Pleasant Chapman was beaten for congress in the landslide of 1910, but his genial face looks out upon the guests of the Perkins House, as if still inviting votes, votes in an election that was held and forgotten five years ago.

After seeing Pleasant Chapman's flyspecked picture nothing in Vienna would surprise you. So when you ask for the wash room and the Boniface shows you behind a partition where there are some set basins and a big rail with dipper, you ladle out the water and chase the diminutive bit of soap just as if you were used to that way of preparing for your ablutions.

If you can wait long enough the youth in the white apron will condescend to clear a place at the table for you, and if he is in real good humor he may bring you something to eat within the next half hour. The chances are, however, that after you have waited from 7 to 8 o'clock, he'll fold up his apron and announce that no meals are served after 8.

It is a typical small town court week crowd that you see when you get outside. Everybody is there. Witnesses are talking together in whispers, or being taken around the corner for something mighty important. Lawyers are bustling about rounding up late comers and arranging "coaching parties," and there is only one topic of conversation—the trial. You hear it everywhere, at the hotel, at the soda fountain, in the drug store, and in the restaurant. The wildest stories are told, the most improbably rumors are circulated, and everybody is on tiptoes with excitement. Vienna has had three murder trials in the past year; it might seem as if its appetite should be somewhat abated, but it appears as keen as ever.

Johnson county recently has renovated and modernized its little brick courthouse in the grove. It slapped brilliant yellow paint on the woodwork and colored the walls a beautiful deep arsenic green. It moved out the stoves and put in radiators. The supervisors might better have omitted some of the radiators and installed some fans and ventilators, but the board doesn't know, probably that air can be measured in cubic feet, and for every person there ought to be so many cubic feet of air. All the air that ever gets into the Johnson county courthouse on hot days like last Wednesday and Thursday, is spoken for several times over.

The renovation funds too evidently did not hold out for the improvement of the grounds. These are rutted and gullied by the storms of ages, and the chain fence to which farmers hitch their horses and mules, reels and staggers like a drunken man. The only thing about the grounds that is square and plumb is the soldiers' memorial, an iron mortar set in a big block of concrete. The Viennese are patriotic.

Court convenes as soon as the Judge gets through breakfast. As he stops at the Perkins house the time is rather uncertain. Much would seem



to depend upon the youth in the white apron, but no matter how early the court sits, he finds the crowd there before him.

Johnson county apparently quits all other work during a murder trial session and makes a business of attending court. The carpenter-made pews that serve as seats are filled before 8 o'clock with the flower and yeamanry of the land. Young girls unattended are there, so are the young bloods of the village who have tan shoes and flannel trousers. Substantial farmers wives come in with the babies followed by their husbands dressed in the conventional garb of Johnson county, a blue shirt and blue overalls. Nine of the jurymen wore blue shirts, and there was not a necktie in the lot. All the neckties that were counted in Vienna outside of those worn by foreign witnesses, would not make up a respectable couch pillow covering.

When Attorney Hartwell for the defense said; "All the witnesses for the defense stand up and be sworn," he might just as well have said "Every man in this room who wears a collar take the oath." You could tell a Douglas, a Vermillion or a Macon county man as far off as you could see him. The starched linen though it might be somewhat wilted, was a sure sign that he didn't live in Johnson county.

Those character witnesses deserved hero medals along with their witness fees and mileage. They rode more than 200 miles in the hottest day of summer to help establish for J. Edward Wamsley the reputation as a peaceful and law abiding citizen, and did not even have the fun of parrying with a cross examiner.

The usual program was as follows:

"Tell the jury your age."

"Morris K. Slimp."

"Where do you live, Mr. Slimp?"

"Danville, Ill.:"

"Do you know the defendant, J. Edward Wamsley?"

"I do."

"How long?"

"Five years."

"Now Mr. Slimp, from your knowledge of Mr. Wamsley what was his reputation as a peaceful and law abiding citizen, good or bad?"

"Good."

"What was his reputation as a man and a citizen, good or bad?"

"Good."

That was all, except now and then one of the state's lawyers would ask: "Had you ever heard his reputation discussed?"

The stock answer was either "no" or "never till this trouble came up," although sometimes the witness would admit that the defendant's reputation had been a subject of conversation. When, however, in response to urging of counsel he tried to tell what was said, there was a storm of objections which were sustained by the court.

After the character witness testified he usually made a bee line for the circuit clerk to make out an affidavit for his mileage and fees. The circuit clerk easily was the most popular man in Vienna. He sat at his table filling out blanks attended by a crowd of solicitous friends and whenever he left the building a crowd usually accompanied him to make sure that

he didn't get lost. Judge Warren Duncan scanned every affidavit carefully before he approved it, and the process of vouchers accordingly became a long one. The supervisors had not made appropriations for three murder trials and, as a result, the money gave out. Witnesses who cared to wait, received vouchers which are as good as gold, and which the restaurant man would cash in at a 10 percent discount. Some who had money enough to get home, simply left their names and addresses with the clerk with orders to send them their fees when Johnson county became flush again.

In that little green and yellow court room, filled with a damp, sweating, eager crowd, there were things to bring a smile and there were things to bow the heart. He was callous indeed who did not pity that delicate, refined woman, the widow of the dead man whose death the law was trying to avenge. When she sobbed out her grief, there were others who wept, and tears stood in the eyes of the defendant, his mother and his wife.

Mrs. Robertson sat at one of the tables close to the bar. Beside her was her son, Brown Robertson, a bronzed young farmer, her daughter, Mrs. Howard Blake and her husband of Villa Gove. A little apart sat the defendant with his father and mother, his wife, another daughter of Mrs. Robertson, and his little five year old girl. To the little girl alone of all that sorrowing and grief stricken family those long tiresome and at times terrible proceedings meant nothing. Like a little yellow butterfly she flitted about, now on the Wamsley side, now on the Robertson, blissfully unconscious of all that was said, or of the barrier that for the time at least divided the families.

But the central figure in the trial was the young defendant, Jesse Edward Wamsley, known to everybody as "J. Edward." The character witnesses had all been examined, and interest was flagging along with starched collars Thursday afternoon, when Attorney Hartwell suddenly called the young photographer to the stand.

Wamsley took the chair and under questionings of counsel began his story. He told it fully apparently concealing nothing. He admitted his business failures and debts contracted which his father-in-law met. He told how he came to the farm, of the burning of the Robertson home, which caused the older people to come to his house, and finally of the events of the day of Dan Robertson's death.

He told it easily and calmly, fanning himself the while with a little confectioner's cardboard affair. He told of Robertson's leaving of the house, and of his own course to the cornfield to cut some green fodder for the calves, of his walk to the barn, of his sitting down to rest — he had been ill two weeks — of his search for the gas pipe, of his hearing of the pounding noise on the barn, and finally his start to round up the sheep.

He told of the call from the barn which sounded like "J. Edward," of his hastening back and hearing the noise in the hay, which started him up the ladder. He told of seeing what in the half light he thought was the legs of a man, and then of the sensation of something closing down upon him and blackness. When he picked himself up he was bleeding, and the barn was burning; he staggered out and met Dale Carleton to whom he excitedly told what had happened. He hurried to the house, but his inju-

ries were such that he could not run. In the dining room he threw himself upon the table and cried: "Mother; mother!"

"J. Edward," asked his lawyer with brutal bluntness, "did you kill Dan Robertson?"

"I did not."

"Did you have anything against Dan Robertson?"

"I did not."

Tears flowed from the young man's eyes, but the tone was positive.

In the hands of Attorney Cowan for the prosecution Wamsley seemed even more at his ease than when Attorney Hartwell questioned him. Vainly did the Peoria man try to rangle the witness. "I thought you told the jury a moment ago that you did so and so," barked the lawyer. But Wamsley never lost his head. His answer was smiling and confident. "You must have misunderstood me," he would say, "or I may have misunderstood the question." They brought him maps of the Robertson farm and made him go over the route taken by himself and Mr. Robertson, and Wamsley smilingly left the witness stand and kneeled on the floor to indicate his course. At the end of an hour's grilling his story was unshaken; and court adjourned for the day.

The Danville and Tuscola crowds had impressed into service every public conveyance that the city of Vienna afforded and were jolted over to West Vienna for the northbound train. The few Decatur witnesses who had not been warned to remain, made a last fruitless visit to the circuit clerk, and raced for the Big Four preferring to travel 36 miles south to Cairo if thereby they could secure some comfortable accommodations. By 7 o'clock Thursday afternoon Johnson county was left to finish the trial, and to have all the seats in the courthouse.

The attorneys for the defense were seasoned trial lawyers who knew many ways to manipulate the witnesses and what the jury would hear. The defendant being wealthy, attorneys were eager to defend him. Thomas H. Sheridan, stating that he believed in Wamsley's innocence, resigned his position as State's Attorney and hired onto the Wamsley defense team, no doubt with a hefty amount of cash for his efforts.

Besides the main witness, Dale Carlton, other evidence had been amassed during the investigation. One item of interest was evidence that some counterfeiting had been going on in the barn. According to W.T. Murphy, "I went over to the place where the barn was burned on the following morning after the fire, found some bullets and pieces of metal and glasses, and a metal box, with some metal in it."

Counterfeiting, in the time of this incident, involved making coinage out of worthless metals that would resemble gold or silver coins. It was easier and more convincing than attempting to make paper money. It appears that the counterfeiting possibility was never pursued in this case.

The trial ended in early August. The *Chicago Daily Tribune* was one of the first to deliver the news about the verdict in its August 4, 1913 edition.

#### WAMSLEY FOUND NOT GUILTY

Vienna Man Accused of Murdering His Father-in-Law Freed by Jury After 24 Hours' Deliberation



Vienna, Ill., Aug. 3 – [Special] – J. Edward Wamsley today was found not guilty of murdering his father-in-law, Dan C. Robertson, last September. Robertson had been shot in his own barn and the barn and body burned. The jury was out twenty-four hours. Attorney Thomas H. Sheridan was state's attorney here when Wamsley was indicted, but, believing in his innocence, he resigned and defended the accused man. The mystery surrounding the iron box, half filled with melted metal, found in the ruins, remains unsolved.

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## **1913 – MURDERED FOR HIS MONEY**

### **Lester "Little Shot" Winchester killed Bent Gore**

According to Arlie Eskew, the Big Four passenger train was heading into Vienna when it made a stop. Someone wanted to know why it had stopped and the brakeman stuck his head out and answered, "There's a dead man out there." Eskew stuck his head out the window and asked who it was. The brakeman answered, "It's Bent Gore." The date was March 13, 1913. Gore had been killed the night before.

An investigation was immediately begun. The Coroner called a jury together and they began a time consuming inquisition into the death of Bent Gore. In that period of time, the Coroner's Jury was the primary investigating body. They called witnesses and put them through a grueling question and answer session. The Coroner had the power to issue arrest warrants and recommend charges to a Grand Jury.

It is fortunate that a Coroner's book for that period of time still exists because no newspaper articles have been located concerning the murder of Bent Gore. The court records have few documents included in them. From that Coroner's inquiry, the following can be gleaned.

Several men and boys had a habit of gambling at the Pickle Factory, located down the tracks a short distance from the Vienna depot. It was located there because of the logistics of transporting processing materials such as salt. The end product could then be packaged in barrels and shipped out by rail. The Pickle processing plant at Vienna operated for many years.

Poker playing and craps were the dominant games that seemed to go on daily at the Pickle Factory. The players would gather in the salt room where the games were held.

One of the more prominent players was Bent Gore, who was most likely the same Bent Gore who had been charged with murder once but was not convicted. That murder occurred in 1890, so if this is the same Bent Gore, he was much older than the rest of the boys who hung out at the Pickle factory and was a more seasoned gambler than any of them could have been. He seemed to always have a large amount of money on him and he held poker games at his house when not playing at the Pickle Factory.

Most of the young men and boys who hung out at the depot got odd jobs helping move goods and trunks in and out of town for transportation on the railroad. They made some small cash and often gambled it away in the

games nearby. . . Lester was one of those that found odd jobs loading and hauling these trunks; he had no money on the day of the murder.

The evidence that was found at the scene of the killing of Bent Gore was not recorded. Winchester had gone to the creek and thrown away the shoes he had worn that day. Speculation was that he had gotten blood on them and threw them away to hide his guilt. There may have also been footprints at the scene. The questioners were interested in what size shoes Lester wore. In questioning, he revealed that the day of the killing, he was wearing shoes that were 6 ½ in size. The day of the questioning, he was wearing shoes of size 7. Lester Winchester was quickly zeroed in on as the prime suspect.

Several persons who frequented the depot and the Pickle Factory were questioned. Many of them were asked what kind of shoes Winchester wore on the day of the murder. They also were asked if Winchester had a double barreled shotgun with him that day and they answered in the affirmative. When asked about why Winchester had a shotgun with him that day, he said that he had been hunting rabbits.

At least one person had looked at the shotgun and commented that he needed to clean the rust out of it. The questioners asked more than one person about someone looking at the shotgun. Most likely, after it was fired, one of the barrels would not have had the rust that was present previously.

Winchester was called again for questioning and his story changed. At the second session, he stated that a person named Cotton had killed Bent Gore. Winchester said that Cotton wanted to kill Gore for his money and he wanted him (Winchester) to help him. He said that Cotton used Winchester's shotgun to do it. The story went as follows:

"He told me to get my gun and we would kill Gore and he would give me part of the money. I went and got my gun and went up the railroad to Obe Dunn's crossing. Then Cotton came along and took the gun and I went on after him. When Bent came by, Cotton said, look there at that big fox I have killed. When Bent turned his head, Cotton shot him. I was on the left side next to the bluff. Bent fell and Cotton got the money. He got \$120. He gave me \$5 and there's \$115 down at the pickle plant in a box."

It was determined, after all the questioning, that Lester Winchester had waited near a rock outcropping alone, concealing himself, until Bent Gore walked by. Winchester then stepped out and shot Gore and took the money and hid it in the Pickle Factory.

During the questioning, it was learned that many people called Winchester, a boy, and he was even referred to as "Little Shot." Lester's older brother, Earnest, was known as "Big Shot." Lester, evidently being of a small stature, judging by the size shoes he wore, was known as "Little Shot." Lester and his brother lived with their grandmother because both their parents had died. Lester was fifteen years old when the murder occurred; he was born April 9, 1897. His older brother was only a year older.

The Coroner's Jury recommended that Lester Winchester be arrested for the murder. He was indicted by a Grand Jury on March 29, 1913. His attorneys began working on his case immediately, challenging the Judge because he would be prejudiced against Lester. There was some validity in

what they thought about the Judge because Winchester had been arrested three years before along with two other boys for stealing five chickens.

After attempting to get a change of venue and failing, Winchester did not seek a jury trial. Just three years previous to this, a jury had sentenced a man to die by hanging for killing a man for his money. Winchester may have taken good advice and avoided a jury trial where he, too could have been sentenced to death. He made a plea of guilty and was sentenced to thirty six years in the Southern Illinois Penitentiary at Chester. When he went to prison, he had achieved the age of sixteen years.

Winchester was released after only serving a few years of his sentence. The *Marion Semi-Weekly Monitor* of January 10, 1922, reported that he was going to be up for a pardon near that time. This was not the last time that Lester Winchester would be charged with criminal activity. In later years, he changed his moniker, "Little Shot" to "Shot" Winchester.

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### **1914 – KILLED BECAUSE HE WOULDN'T MOVE A FENCE Marion Henderson shot Monroe Davis**

November 2, 1914 was the day that Marion Henderson killed Monroe Davis. Information from local news accounts has not been located. What is available is the testimony of witnesses to a Coroner's Jury. They are as follows:

Ted Dallas – "I came up here with Monroe Davis, my step-father. We came to see if Claude Anderson was here and ask him if he would set some posts. We saw Mr. Henderson in the corn crib shucking corn. Davis asked him if he was going to help set some posts, etc. He said he was going to set some posts down there in the road. Monroe Davis said it would be alright if he did not set them near the road. Marion Henderson said he would set them where he God Damned pleased. That was all I heard said until I heard the shot. Davis was standing in front of the crib door. Henderson was in the crib. Davis did not seem to be mad, he seem to be deviling Henderson. Davis had his hands in his pockets, was setting down, but got up and started toward the crib door. I did not think he was mad. Mary Henderson, his sister, was there. He shot Davis over Mary's head. She was shaming them about quarreling about the road. She was looking out the crib door. Marion Henderson seem to be mad. Davis did not seem mad. I did not see Davis with anything. Henderson's wife, Mary, was Monroe Davis' sister. When he was shot, she ran and grabbed Davis. He made no threats. Nobody seemed to know he had a gun until he shot. I ran some. Monroe Davis did not seem mad and had made no threats. I was setting [????] beside the crib. The crib has two doors. He was piling shucks out at the door. I seen the blaze of the gun. I saw Henderson jump out of the crib. I don't think Davis aimed to go into the crib. He did not seem to be trying to hurt Henderson. Davis had been working the road."

Bob Dallas – "I am 13 years old. I came up here with Mr. Davis. We came to see Claude Anderson. Monroe Davis wanted room enough to get through. Mr. Henderson heard them talking and came down. Davis did not



seem to be mad. Davis was about 7 feet of the crib door, with his hands in his front pockets. He did not say anything when he went up to the crib, walking slow and Henderson shot him over Mary Henderson's head. She was shaming them. No threat was made that I heard by either parties. The only hard words was from Henderson. [He] said he would set the post where he G.D. pleased. Davis had nothing in his hand and nothing on him that I could see. I never knew of them ever having any trouble. He told Henderson he would have to set the post farther. Davis started toward the house, staggering after he was shot. Henderson run on down the road without his [gun?]. I did not think they were [?????]."

Claude Anderson – "All I know was a dispute about the land and road. Davis wanted Henderson to give more of the road than he wanted to give. I never knew of any trouble between them before. The gun that did the shooting was a single barrel shot gun. It was left in the corn crib. Mr. Davis said if the posts were set in the road he would dig them up. I own the farm on which Henderson now rents, and where the killing occurred by Marion Henderson. I never heard of any cross words between the deceased and Henderson. Henderson will weigh about 140 lbs and is about 35 years old."

I. Lowery – "John and Harve Cox helped to put Davis on the bed. I found a purse, a knife, and a bunch of keys. Purse had \$120.00 in currency, a few copper coins. I thought there was some trouble brewing about the road. They were brothers-in-law."

N. Cox – "Mary henderson was the only one here when I got here. She was holding Davis' head in her lap. We carried him in and layed him on the bed just before he died. He had no weapons on him. I heard a woman scream, which attracted my attention, and was the reason I came on here. I never heard of any trouble or threats between Davis and Henderson before this occurred."

The Coroner's Jury determined that Henderson caused the death of Monroe Davis and that the killing constituted murder. They jury recommended that he be held to await the action of a Grand Jury. The indictment came on November 12, 1914.

Claiming that his attorney was ill, Henderson had any action by the court delayed. He finally came before the court on November 19, 1917, more than three years after the shooting. He pled guilty to manslaughter, most likely in lieu of a trial for murder. He was sentenced to an indefinite term at the Southern Illinois Penitentiary at Chester, Illinois. Records show that he was delivered there on November 24, 1917 by Sheriff James F. Whitehead.

## 1914 – MYSTERIOUS DEATH AT OZARK

**Albert Ellis died – Effie Ellis and Lee Hunsaker charged**

The *Jonesboro Gazette* of December 18, 1914, brought the sad news of the death of Albert Ellis, a former resident of Union County.

Albert Ellis, a farmer in Johnson county, near Ozark, was killed last Monday by falling from a silo. He formerly lived at Alto Pass and leaves a widow.

A Coroner's Inquest was called for, the notes of which are as follows:

Dr. Blanchard – He came to his death from a fracture of the skull. When asked if the injuries could have been caused by falling fourteen or fifteen feet, the doctor said he did not think so. He stated that the injury looked like an injury by a blunt object in the hands of some person who was standing higher than the deceased.

Ed Trovillion – The last time I saw Albert Ellis was when I went over there to get him to help me to fix my double-tree, probably a week before his death. I found out that he was hurt by telephone. My wife went to the phone and heard it and I ran over there. I went to the house and Mrs. Ellis and a little girl and a larger girl were there. When I first went to the house, a man was getting on his horse to go off. His name was Lee something. When I got there and opened the door, I ran across Albert's feet. Mrs. Ellis was there in the room. It was just dusk but not quite dark. I asked how he got hurt and they said for me to see what I thought and I felt of his pulse. We kept working with him and I asked them to bring a light in there. After I got there, Archie and Hardy Gingrich came. There was a young man there but he had gone to milk.

Archie Gingrich – I was doing up chores on last Monday evening and father came and said that they had telephoned that Mr. Ellis was hurt and they wanted us to come as quick as we could. I rode up there and Mr. Trover and Mrs. Ellis was there when I got there. Mr. Ellis was laying there with his feet toward the door. I think he was dead when I got there. I stayed until about nine o'clock. Mr. Vancleve and Mr. Cavitt dressed and prepared him. They had said that he died from falling down from a silo. The man named Lee did not say anything. He wanted to leave there soon to go down to Mrs. Mounces.

L.A. King – I heard it over the telephone that he had fell off the silo and was hurt bad. I went over there and when I got there John Vancleve was there. When I went in, I stumbled over his feet. In a short time, the doctor came and said that he was dead. I stayed there a while and I went back the next morning. Mr. Taylor came there about the time the Coroner came. I went out to the silo and saw a club laying there. It looked like it had been sharpened with a hatchet. They said that there was some blood on the stick.

John W. Vancleve – I left home about five o'clock, going to Ozark. I got over to Mr. Covers and decided that it was too late to go. Mr. Cover told me about Ellis being hurt and I went on up there. As soon as I went in the house, he was laying just inside the door, laying on the floor. Mr. Trover went over to the north side of him and examined him and the Doctor came in and went to his head. Artie Gingrich, Hardy Gingrich and Mr. Calder was there. It was dark when I got there. Artie Gingrich said it looked like he was dead. After a while I asked Mrs. Ellis if there was anything she wanted and she said to send for F. Ellis of Pomona, Willie Phelps of Grand Tower, and B. Hines of Albion. I took their names and called Walter Reid and told him to call them. I then tried to call Mr. Harper but he had no telephone so I asked Lewis Taylor to go

and tell him, then we commenced to make arrangements to dress him. Mr. Cavitt volunteered to help me. I said lets undress him and get his jumper off. Then the question came up about shaving him. I could not see well enough to shave him and Loge Whiteaker said he would shave him. I asked Mrs. Ellis if there was any insurance policies and she said there was.

U.S. Cavitt – I went up there with my boy and we walked up on the porch. I went to the door first and started to draw the bolt and then I stepped to the window. I said here he is, then he went around to the other door and came in through the kitchen. The Doctor was there and he said he was dead. I stayed there until about 4 o'clock and helped dress Mr. Ellis. I asked this man Lee if he would go and get two or three planks and he went out and got them and we carried Mr. Ellis to the other room. When we undressed him, I noticed that on one of his heels, he had the hide peeled up. After we laid him out, somebody spoke about sitting up in the room. Mr. Ellis was back in the other room. Mrs. Ellis and her little girl went to bed. The other girl got a spool of some kind of fancy doings and set down and went to work on it and this man Lee came in and sat down by her. He talked to her a bit and they went to the other room and got some quilts and they and the little girl went upstairs and I did not see them anymore. Mrs. Mounce was there and she went to bed with Mrs. Ellis. I asked Lee about how he fell and he said he fell with his feet sticking up on the silo and his neck across a two by four.

C.F. Calder – Somebody said that Mr. Ellis was bad hurt and they wanted to know if I had any liquor. Mr. Gingrich said he had some and my wife told him that I was going by there and I would stop and get it. I went as fast as I could. As I went in at the door, the door opened on his feet. Artie and Hardy and I went in and looked at him. I took hold of his hands and asked if we could get any liquor down him. I said if we can and if he has any life in him we might get him along till the Doctor got there. I had a fire made and someone brought some hot water and we rubbed his arms and hands till the Doctor got there. When he got there, he said he was dead. They washed him and this brother of Mrs. Ellis came up and asked if I was Mr. Calder. I said yes. He asked me how to handle him and where to get the coffin. I told him that I would come up the next morning. I did go up there and help him to get the things the next morning. When I got there, the Coroner's jury was just going in the house. I called to Lee Hunsaker and asked him if he wanted to go with me and he said yes. Someone asked us to get the distance to the silo and we went there and took the distance there and back to the house. There was two or three men standing there. I picked up a club that was laying there; it looked like a ball bat. I said, men did you ever think of that? The club was on one side, six or eight inches from the end there was a spot of blood about six inches wide and on one side there was some hair. I had a conversation with this man Hunsaker while we were going to Burnside. He said that he had known Ellis all his life and he was an easy man to get along with. When we got back, this McCarty woman told Lee that the jury had called for him twice. She said that they talked like there had been violence and it looks like they are going to lay it on you, meaning Lee.



Charles Smith – I was sitting up by the fire and the phone rang. My little girl went to the phone and she said that Mrs. May was talking to someone that Mr. Ellis was hurt. I went to the phone and could not hear anything. Directly, the phone rang again and Arthur King told me that Mr. Ellis had fell from the silo and was hurt and he said the Doctor was coming and that I could come along with him. I went and got my overcoat but the Doctor went the other way. I called Frank Dismukes and he said that Ellis was dead. I called Frank Chavits and asked him if he would go over there with me and he said he would and we went over there. Mrs. Ellis was in bed when I got there. I helped take Ellis to the south room. This girl came and sat down and commenced to do some fancy work and this man Lee came and sat down by her on the floor. She then went in the room where Ellis was laid out and got some quilts and they all went upstairs. About three o'clock in the morning me and someone went upstairs to get some apples and the girl said they were in the north corner of the house. Lee was in the other bed.

The Coroner's Jury found the following: "We the jury believe that Albert Ellis came to his death by falling from a silo on the 14th day of December 1914." After this inquest, the evidence of the bloody club was brought to light and a second examination was ordered. Ellis was exhumed and a second inquest was held on December 23, 1914. Dr. Walbright and Dr. Blanchard performed a post mortem examination of the body which involved peeling the scalp back to look at the wounds on the skull.

A second Coroner's verdict, printed on an official stated: "We the undersigned, Jurors, sworn to inquire of the death of Albert Ellis on oath do find that he came to his death by violence by being struck by a stick in the hands of parties unknown."

The next news item that was published came from the *Daily Free Press* of Carbondale on December 26, 1914.

#### MRS. ELLIS UNDER ARREST

Mrs. Effie Ellis of near Ozark jointly connected with Lee Hunsaker of the murder of her husband Albert Ellis at their farm near Ozark a week ago last Monday November 14 is under arrest but was too ill to be moved and is being guarded by an officer at her home.

Hunsaker was arrested in this city last Tuesday night by Marshall Hagler after he had arrived here from Ozark and boarded a south bound train, the details of which were given in Wednesday's Free Press. He was taken back to Johnson County Wednesday by the sheriff and is in jail.

The motive for the murder is supposed to be insurance. Ellis was carrying a \$2000 life insurance. Hunsaker and Mrs. Ellis are brother and sister. The Ellis' had no children but a little girl was living with them. At the time of the tragedy however, Hunsaker and a girl giving the name of May McCarthy who claims to be Hunsaker's sweetheart were guests of the Ellis family. Hunsaker and the McCarthy girl give Alto Pass as their home. She is not thought to be implicated in the murder.

Two inquests have been held over Ellis' body. The first verdict indicated accidental death by falling from a silo, the other was murder by

unknown parties. The finding of a club covered with blood and hair resulted in exhuming the body and the second inquest.

A Grand Jury indictment for murder was brought against Lee Hunsaker and Effie Ellis on March 27, 1915. The same day, the case was discharged. Nothing more was recorded concerning the death of Albert Ellis.

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## **1915 – SHERIFF'S SON MURDERED**

### **Four Boner Brothers charged with killing Roy Whitehead**

Shocking news was beginning to spread throughout Johnson County and trouble was brewing over the murder of Sheriff Whitehead's son, Ray. The *Journal Gazette* of Mattoon, Illinois, published an article on June 3, 1915 that had originated in Harrisburg.

#### **FOUR BROTHERS ARE ACCUSED OF MURDER**

Harrisburg, Ill., June 3 – John, Neal\*, Herman and Ben Boner, brothers, charged with the murder of Roy\*\* Whitehead, son of Sheriff Whitehead of Johnson county, were brought here and lodged in jail in order to avoid a possible lynching at Vienna.

The Boner brothers participated in a fight at a dance at Tunnel Hill Saturday night, in which two of them, it is alleged, attacked Whitehead with razors and nearly severed his head from his body.

Feeling became so intense at Vienna that Sheriff Whitehead brought the men to this city for safe keeping.

\*The person named here as Neal Boner should be Hal Boner.

\*\*Ray Whitehead, as recorded in court documents, is often referred to as Roy Whitehead.

Huse Boner and his sons invited several people to their house on May 30, 1915 to party. They had removed the beds from the floor space to provide a dance floor for their guests. Music was provided by Herman Boner on the fiddle and Hal Boner on the mandolin. Out in the yard, John Boner, the only married son, and his wife had a concession stand set up. They sold items including cigars and bottled sodas. Many guests arrived and the party was going well. Huse had ordered at least a gallon of whiskey for the occasion; not for the partiers but for him and his boys. Two of the boys shared a half gallon, which they had already drank.

Everything was prime for trouble to begin and, as if on schedule, trouble began. The first indication was when some unnamed person bought Ray Whitehead a soda. After the transaction, John Boner, who ran the stand, accused Ray of not paying for it. Earlier that night, John had dealt with some of the younger boys stealing some of his cigars, so he was being vigilant when he accused Ray of taking the soda without paying for it.

A fight ensued, either from this or from another reason. It was never defined in the testimony. Ray hit someone with a chair. One of the Boners, with a bed slat from the dismantled beds, hit Ray, breaking his arm. The fight intensified until they were piled on top of one another on the ground. John Boner, according to testimony, said, "cut his God damned head off."

One of the Boners, presumably with a straight razor, cut Ray Whitehead so severely that he was hurried home.

The next morning it was announced that Ray Whitehead was dead. A Coroner's Jury convened and with extensive testimony from many witnesses, determined that the four Boner brothers should be held responsible for the death. The Coroner, exercising his rights in that office, ordered that they brothers be arrested and held without bail in the county jail. Of course, James Whitehead, father of the Ray, also acting as the Sheriff of Johnson County, decided that they could not be held in the jail at Vienna for fear of reprisals against them, took them to the Saline County jail.

A Grand Jury indictment was brought against the four Boner brothers on a charge of murder. That indictment was the only one of those recorded that described the wound that killed Ray Whitehead. In the words of that document, it states: "...then and there thereby giving to the said Ray Whitehead, in and upon the left side of the neck and in and upon the back of the neck of him, the said Ray Whitehead, a mortal wound of the depth of three inches, of the width of one inch and of the length of six inches..."

The case came to court during August of 1915 with 36 witnesses being called. That list included: Blaine Simmons, Arlie Simmons, Fred Grace, Floyd Grace, Lloyd Kelley, Cecil Webb, Floy Simmons, Herbert Dorrell, Huse Boner, Willis Emery, Allen Vinson, Bill Condor, Lillie Vinson, Bell Boner, Bessie Boner, Harve Phillips, Lewis Emery, Lloyd Haden, Joe Haden, Edgar Parrish, Ray Wolaver, Dempsey Johns, Lester Johns, A.I. Brown, Dr. John Ballance, Hallie Hewitt, Pleas Vinson, Mac Webb, Alonzo Simmons, Walter Simmons, Walter Lennon, John Hewitt, Oscar Voys, Andrew Davis, Mr. Andrew Davis and Mary Edmonds. Most of those witnesses were at the party when the incident occurred.

A challenge by the defense attorneys was made that witnesses should not be allowed to attend the trial. That challenge was overruled and the witnesses who wished could hear the testimony of others before them. When the jury came back with a verdict, they returned four verdicts as follows:

We the jury find the defendant Hal Boner guilty of murder in manner and form as charged in the indictment and fix his punishment at imprisonment in the penitentiary for the term of thirty (30) years.

We the jury find the defendant John Boner guilty of murder in manner and form as charged in the indictment and fix his punishment at imprisonment in the penitentiary for the term of twenty (20) years.

We the jury find the defendant Herman Boner guilty of murder in manner and form as charged in the indictment and fix his punishment at imprisonment in the penitentiary for the term of twenty (20) years.

We the jury find the defendant Ben Boner not guilty.

On November 4, 1915, Sheriff James F. Whitehead delivered John Boner, Hal Boner and Herman Boner to the Southern Illinois Penitentiary at Chester to serve their sentences.



## **1916 – SHOT IN SELF DEFENSE**

### **James Hood shot Pete Hamilton**

A shooting death occurred at White Hill, the small settlement south of Cypress where a stone quarry was established. The White Hill settlement consisted of workers at the quarry and even had at least one store. Some residents today even claim White Hill as their residence.

The shooting occurred on November 28, 1916. According to a Coroner's Jury, the incident happened as follows:

In the matter of the inquisition held over the body of Pete Hamilton (colored), deceased, held at White Hill, Ill., County of Johnson, on the 29th day of Nov., in the year of our Lord 1916. We the jury find that the deceased came to his death from pistol shots, fired five shots, into his body by James Hood who was justifiable in shooting.

No other information has been found about this shooting but that which was published in the *Pulaski Enterprise*, a Pulaski County newspaper, on December 8, 1916.

A man by the name of Pete Hampton\* of White Hill was shot five times by another colored man last week. He died after 24 hours. The coroner's jury exonerated the murderer on the grounds of self-defense. The two men were originally from Red Bud, Okla. They had a difference some time ago, which resulted in the death of the forenamed man. The deceased leaves a wife.

\*Should be Pete Hamilton

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## **1919 – DIED ALMOST TWO MONTHS LATER**

### **Bert Campbell shot Cecil Stonum**

The year of 1919 was the year following the end of the "Great War," as it was called at that time. Of course, the present generation knows it as World War I. Johnson County had also enjoyed a few years without murders occurring within its borders.

May 25, 1919 brought an end to this peaceful time. On that day, Bert Campbell, also known as Pert Campbell, shot Cecil Stonum. Details of the shooting are not available because of a lack of surviving local newspapers during that period of time. The Court record only has the indictment for murder. It says that Stonum was shot in the abdomen with the bullet ranging downward and exiting his right hip. The injury was very severe but Stonum managed to live until July 21, 1919 when he succumbed to the injury and died.

Bert Campbell made a plea of guilty to manslaughter on August 25, 1919 and was sentenced to an undetermined term in the Southern Illinois Penitentiary at Chester. This plea may have been made in order to avoid a murder trial and a sentence which might have been much harsher.

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**1921 – SHOT A MAN TO PROTECT HIS DAUGHTERS****Otis Atnip killed Ward Kelly**

The peace of Johnson County was again brought to an abrupt halt on February 14, 1921 when Otis Atnip killed Ward Kelly. The story of this event can best be told by the *Vienna Times* in its February 17, 1921 edition.

**WARD KELLY KILLED**

Ward Kelly, living about five miles west of Tunnel Hill, was killed by Otis A. Atnip near their homes on last Monday evening about 5 o'clock. They were supposed to have been the best of friends and had never had any trouble prior to this time. Just what took place at the time of the killing will probably never be known, as no one was present except the two and there were no eye witnesses.

Kelly, with his wife and two children, had visited the most of the day Sunday and up until late Sunday night at the Atnip home, and there seemed to be no signs of any discord between them. The next morning Kelly drove his team and buggy to Creal Springs on some business and was returning home at about five o'clock, when he passed near where Atnip was working on a fence, when Atnip fired at him with a pistol, the bullet entering the left arm and going through it and then entirely through the body to his right side, where it lodged just under the skin and was removed by the undertaker.

Atnip confessed and gave himself up to Sheriff Veach Tuesday morning and is now lodged in jail at Vienna. State's Attorney Huffman and Coroner C.G. Hood were notified and went to the home of Kelly, where a coroner's jury was empanelled and the evidence heard. The jury returned a verdict, finding that Kelly came to his death by reason of a gunshot wound inflicted by Atnip, and held him without bail. Neighbors heard the shots fired and were at the scene of the killing a few minutes after it happened, and Kelly was found lying in the mud in the road where he had fallen from his buggy, the team running on a short distance to his home.

Kelly was the son of Mr. and Mrs. Columbus Kelly of Creal Springs, and the remains were taken there and buried Wednesday.

According to testimony before the Coroner's Jury, Atnip had fired three shots at Kelly. According to some witnesses, Kelly came by where Atnip was working and asked him to come out and look at his mules. When Atnip stepped to the buggy, Kelly got down and drew a razor and cut Atnip's vest or coat, stating that he had Atnip where he wanted him. Atnip then shot at Kelly. Another witness stated that one of the Atnip girls had come home from Bethlehem Church with Ward Kelly about three weeks earlier. One of the Atnip boys said that he did not know if his father knew about Kelly going with the girls.

The details of the case are not fully presented in the newspapers but when the case came to trial in August, some of those details came out. When the evidence of the case was given to the jury at the trial, the following instruction was given.

You are instructed by the court that if you believe from the evidence, that the defendant was informed within a few hours of the killing in question that the deceased had seduced his daughter, [name withheld by authors of this book] and had made repeated efforts to seduce his other daughter, [name withheld by authors of this book], and if you believe from the evidence that both of these girls were at that time, under the age of sixteen years; and if you further believe from the evidence that shortly thereafter, the defendant met the deceased and informed him of such information, and that thereupon the deceased made a deadly assault upon the defendant with a razor, you are instructed that the defendant in such case had a right to repel such force with force and use what ever force was necessary or apparently necessary to a reasonable man acting under like circumstances, to prevent the deceased from killing him or to prevent his receiving great bodily harm at the hands of the deceased.

The verdict of the jury is as follows: "We the jury find the defendant Otis A. Atnip guilty of murder in manner and form as charged in the indictment, and we fix his punishment at imprisonment in the penitentiary for the term of fourteen years.

The newspapers of the state suggested that the Governor was granting pardons for some men held in the state's prisons as a Christmas gift. One of those set at liberty was Otis Atnip. The *Decatur Herald* of Decatur, Illinois, published their account of the Governor's gift on December 24, 1927. A portion of that article is as follows:

Springfield, Dec. 23 – The gates of Illinois prisons will be thrown open to four men today, the governor's office has announced.

The men who are to receive liberty as a Christmas gift are: Otis Atnip, Johnson county, sentenced to 14 years for the murder of Ward Kelly. Atnip said he killed Kelly because he assaulted his daughter. He has served six years of his sentence.

Unfortunately, the Atnip family had not escaped the reach of the courts. In April 1932, Robert Atnip, the son of Otis Atnip was charged with killing his father. At the time, the family was living in Williamson County and the incident occurred there.

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### 1921 – WHO POISONED HENRY FITZGERALD

The mysterious death of Henry Fitzgerald of Metropolis on April 10, 1921 is included in this book because of the possibility that it was caused by another person. Even though he was a Massac County man, his death occurred in Johnson County. His death was included in an April 14, 1921 article in the *Vienna Times*.

#### HENRY FITZGERALD DIES AT SIMPSON

On last Sunday, while on his way from Metropolis to his work near Marion, Henry Fitzgerald was taken seriously ill on the train between Grantsburg and Simpson. He grew so bad that as the train arrived at Simpson, he requested that he be taken off and a physician called. Dr.



T.B. Kerley was immediately called, but Fitzgerald was so near dead that the end came in about two hours. States Attorney Huffman and Coroner Hood were notified, and an inquest was held over the body at Simpson on Monday. There was some evidence that tended to show that the deceased had been poisoned, or had taken poison of his own accord, while there was other evidence which seemed to contradict either theory. The deceased was rational to the last and did not seem very communicative as to the cause of his sickness, and the doctor could get no clew in the short time before his death, whereby he was able to give much assistance to him. The verdict of the jury was that the cause of his death was unknown.

Mr. Fitzgerald had lived at Metropolis for many years, was a brick mason by trade, and was of a very jovial and happy disposition and it seems that the real cause of his death remains unknown, although the jury and other officers used all means at hand to ascertain the true cause.

The wife of the deceased, accompanied by L.F. Parrish, undertaker, of Metropolis, came to Simpson Monday, prepared the body, and the remains were taken back to Metropolis for burial.

No person ever came forward to explain the death of Mr. Fitzgerald. The Coroner's Jury came to the conclusion that the cause of his death was unknown. The fact that the State's Attorney was called indicates that there were some who thought foul play was at hand.

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## 1921 – SHOT FROM AMBUSH

### Which Weiss Killed Charles O'Brien?

The New Burnside area was the next place to have the lives of their residents disturbed by the shocking news of a murder in their vicinity. Charles O'Brien was dead. The *Vienna Times* of August 25, 1921 brought the news to the rest of Johnson County.

#### CHAS. O'BRIEN ASSASSINATED

Shot From Ambush in His Yard on Last Saturday Night.

By H.C. Laybourn

New Burnside, Ill., Aug. 22, 1921 – The citizens of Burnside were dumfounded on Sunday morning, Aug. 21st, to learn that Charlie O'Brien, living just outside the incorporation toward Parker, was found murdered, and laying within three steps of his front door, having been shot in the throat with a shot gun and left just where he fell – a cold blooded murder. He is supposed to have been shot Saturday evening, about 8 p.m., when he had come out of his front door, bareheaded, locked his door, and was, it is supposed, going to milk, as his cow had not been milked. Several testified having heard a gun about that time, and he lay there in the rain until near 8:00 o'clock Sunday morning, when Alec Heatherington, a close friend of O'Brien, came by and found him. He hurried to the residence of A.O. Miles, who has the nearest telephone, and spread the news of the tragedy, and soon the premises were alive with people.

Coroner Charlie Hood of Reynoldsburg; Sheriff Veach and States Attorney Huffman of Vienna, were summoned and as soon as possible, all were on the ground. The coroner chose as a jury: W.T. Edmondson, Jesse Watkins, Roy Reeder, Alva Barnwell, Paul Howerton and Esq. Joe Tyler, who examined quite a number of witnesses, several testifying that they had heard a certain father and son threaten to kill him. The wife and mother of said parties testified they had threatened O'Brien's life and hers too, as they claim she and the deceased were too intimate. The husband and wife had been separated for some time and he and a son have been working at Wolf Creek, Williamson county.

The jury's verdict was a sealed one. The shooting was done with a shotgun, the load hitting the jugular vein and death was no doubt almost instantaneous. The assassin stood behind a grapevine, only a few yards from his victim, so close that the gun was lodged in his neck.

Young O'Brien was single, about 35 years old, an industrious, honest young man and had many friends. He has a widowed mother who is prostrated over the terrible ending. He has also one brother, Jas. O'Brien, here, and one sister living in Elkville. We never saw our little town more excited or torn up, the Sunday Schools hardly having a quorum.

The mother lives in the Catholic parsonage, and had been visiting her daughter at Elkville for several weeks, and had just returned. During her absence, the deceased batched at his home and had, it is supposed, went down to his place, nearly a half mile distant, to milk his cow and do up his work as usual, when the fatal shot came.

Robbery was not the motive, as he had \$15.66 in his pocket. Burial is today, (Monday).

The evidence at the coroner's inquest was strong enough in circumstantial evidence to cause the arrest of J.M. Weis and son, Clarence. Sheriff Veach arrested them at Wolf Creek, where they have been working, brought them to Vienna Monday and is holding them in jail awaiting a preliminary hearing, or the action of the grand jury, which may be called to inquire into the case at this term of court.

Testimony in the Coroner's inquest supported the idea that J.M. and Clarence Weiss had shot Charlie O'Brien. The next news of the investigation was published in the *Vienna Times* on September 1, 1921.

Attorney H. E. Skinner of Marion, and I.N. Walker, James A. Chitty and O.L. Renolds of Wolf Creek, friends of J.M. Weise, came to Vienna on last Thursday and filled a \$3000 bond for Mr. Weise and son for their appearance at the November term of the Circuit Court. They claim these defendants have ample proof that they were in Wolf Creek on the Saturday night when Charlie O'Brien was assassinated at New Burnside. After being liberated he went to New Burnside and took his children home with him. Mrs. Bertha Weise the wife has since been arrested for the crime which the husband and son were charged with and is now in the Harrisburg jail awaiting trial. We are informed there is strong circumstantial evidence against this woman.

Looking through some of the testimony in the inquest, the following was heard from Bertha Weiss. "My husband accused me of being down in

O'Brien's barn and he threatened to kill both of us. I was afraid of him. Clarence had a double barrel 12 gauge shot gun."

A.O. Miles testified that O'Brien had told him: "...He said Weiss suspected him of being too thick with his wife."

T.F. Hester, speaking about Bertha Weiss, testified that a year before: "She told me she was going to get a divorce."

Herbert Watkins testified about being with the Weiss boys about a year previous. He said, "I was down there and they were having trouble. They had several guns and they hid all of them to keep Mrs. Weiss from getting them. She said she wanted to kill herself. Mr. Weiss said if he ever caught Mrs. Weiss & Charles O'Brien together he would blow both of their brains out.

Others stated that they knew about the trouble between J.M. Weiss and Charles O'Brien; that O'Brien and Bertha Weiss had evidently been too close to one another at times. These same people said that J.M. Weiss had made statements about killing O'Brien and his wife.

The Coroner's Jury immediately identified J.M. Weiss as the person who had shot Charles O'Brien because of the threats that he had made. Mr. Weiss and his son Clarence were arrested for killing O'Brien. The jump from Mr. Weiss and Clarence being the guilty party was made somehow to point the finger at Bertha Weiss. The reason for the change is unknown.

There are many details that remain unknown about the investigation in this case. One thing is certain. Bertha Weiss was taken to the jail at Harrisburg rather than keeping her locked up at Vienna. Some suggest that the excitement level was too high in Johnson County to hold her there. It seems to say that the citizens would take matters into their own hands and dispense their own justice.

Most trials in this time period were held within one year of the crime. This trial, however, did not occur until February 1924. News coming from a source in Vienna was published in the *Chillicothe Constitution-Tribune* in Missouri on February 18, 1924.

#### ILLINOIS WOMAN ACQUITTED OF MURDER OF NEIGHBOR

Vienna, Ill., Feb. 16 - Mrs. Bertha Weiss, 34 years old, on trial in the Johnson County Circuit Court, charged with the murder of Charles O'Brien, a well-to-do bachelor at New Burnside, two years ago, was acquitted by a jury returned after four hours' deliberation.

Weiss and his wife separated following her indictment on the murder charge. O'Brien's body, with four gunshot wounds, was found in the front yard of the Weiss home. O'Brien lived next door to the Weiss' and had been on friendly terms with them.

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## **1922 – MURDER / SUICIDE**

### **Albert Sanders killed Daniel Needham**

Ex-Sheriff James F. Whitehead and his family suffered the loss of their son, Ray, who was murdered in May 1915. Almost seven years later, the son-in-law of J.F. Whitehead was also tragically murdered. The *Vienna Times* of April 27, 1922 published the following:

#### **ANOTHER TRAGEDY FOR JOHNSON COUNTY**

Dan Needam\* Found Dead and Albert Sanders Mortally Wounded Lying in the Road

The report came to Vienna Wednesday evening of another murder case which occurred in front of Albert Sanders' home, one mile north of Salem Church in Tunnel Hill township, Wednesday afternoon at 5:30 p.m. No one seemed to have witnessed the fight which ended in the death of Dan Needam\* and the mortal wounding of Albert Sanders. They were both found lying in the road in front of Sanders' home. The particulars to this sad affair cannot be obtained until after the Coroner's inquest is held. It is supposed that Sanders shot Needam\* and then shot himself. Coroner Charlie Hood will hold the inquest today. Sheriff Veach and State's Attorney Huffman have been investigating and gathering evidence in regard to this case. Dan Needam\* is a son-in-law of Ex-sheriff Jas. F. Whitehead and lives at Creal Springs. Sanders is still unconscious with but little or no chance of recovery.

\*Daniel Needham is the correct spelling of the subject's name.

The Coroner's Jury recommended that Albert Sanders be held without bail for the murder of Daniel Needham. Arresting Sanders for murder became unnecessary because he died from his wounds on May 6, 1922.

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## **1926 – TWO KILLED IN ROADHOUSE SHOOTING**

### **Edwin Peters and Wesley Reagan killed**

The Illinois Central Railroad ran through Johnson County, crossing the Big Four Railroad at Parker City, which is now a ghost town located between New Burnside and Tunnel Hill. To accommodate this rail line with a shorter route, a long tunnel had to be built just across the county line in Pope County. The tunnel with approaches at each end would be almost three miles in length. Construction began in 1925 using Ozark as a supply connection between the Big Four Railroad and the beginning location of the new tunnel. Work began in the middle and extended both ways, making the road leading east from Ozark a connecting point for workers on the tunnel.

In keeping with progress, a roadhouse was built near the mid-tunnel entrance. This roadhouse, although not a part of the construction business going on at the tunnel, had taken advantage of the path the workers were taking going to and from work; the tunnel operation was going on 24 hours of the day. Frank Buster was the proprietor of this business which had no real name but was simply called Frank Buster's Roadhouse. It was most likely

open for 24 hours of the day to accommodate the workers. It was located in Johnson County near the Johnson / Pope County line.

On May 24, 1926 an incident happened there that brought attention to this business operation. It is best told by the *Vienna Times* in its May 27, 1926 edition.

#### BANDIT KILLED AT OZARK LAST SATURDAY MORNING

One Bandit Was Killed, Two Bystanders Were Wounded by Bandits, One of Which Died Later, at Frank Buster's Eat and Drink Stand Near New I.C. Tunnel East of Ozark, Saturday Morning.

About 2:00 o'clock Saturday morning four strange men who were all, it is supposed from West Frankfort and Herrin, entered the lunch room of Frank Buster. There were about ten customers there eating and loafing around by that time who are employees of the I.C. railway company. The strangers first entered and began to make themselves acquainted with the bunch and were succeeding. In a few minutes three of them went outside, while the others remained in the building. One member of the gang then went to the door and beckoned to the men to come back in. Two of them obeyed and they came in with shot guns, and the one giving the orders drew two large revolvers, and began shooting. The remaining one stayed on the outside. The bystanders were ordered to put up their hands and face the wall, all of whom obeyed without any argument. The proprietor, who was asleep in the adjoining room was aroused by the shots and came into the room unarmed to see what was coming off. He immediately saw the predicament that he and his patrons were in and ordered them to quit shooting with the threat that he would do some shooting also. One of the bandits fired at him but missed and wounded a man by the name of Reagan, who fell to the floor. Buster stepped back in the room in a cool and fearless manner and got his automatic shot gun and fired on the highwayman whose bullet had missed him. The bandit fell and died almost instantly. Buster then leveled his shot gun on another of the gang and found that the first hull had lodged in the gun. Helpless to do more, he retreated to the dark room amid shots and screams. He made his exit out the rear door in hopes to get the spent cartridge from his gun but was unable to do so.

After the robbers had gone through some of the pockets and the cash register, retreated to their car that was awaiting them, leaving the dead bandit behind. They were farsighted enough to cut all the light wires on the cars outside before attempting the holdup and pursuit was impossible. Only a few valuables were taken from the pockets of the customers, but all the money from the cash drawer was taken, and a boy shot through the left arm. Reagan died of the wound he received at the hands of the robbers, the bullet having passed through the lower part of the abdomen.

Buster was of the opinion that the lawbreakers had not only come to hold up the place but had come to kill him. He has run off several parties of this type, who came there intoxicated and had created several disturbances, from Williamson county and ordered them not to return.

Upon searching the dead man a note book was found that contained the name of Ed Peters, whose address was West Frankfort. Undertaker Parker was summoned from Vienna, who took charge of the body and brought it to Vienna, and the dead man's mother was notified. He was a

man of about 25 years of age, dressed well and formerly of a good family in West Frankfort, it was learned. Buster's bullet was well directed and pierced the man's heart.

Frank Buster in a most gentlemanly manner came to Vienna early Saturday morning and told the authorities what had come to pass. An inquest was held which lasted the greater part of the day on account of waiting for witnesses. The Coroner's jury made up of good honest men, namely: W.A. Carter, Bill Rebman, Charles Peterson, Chas. Mills, John Sharp and Geo. Gray, came to their decision about 3 o'clock Saturday afternoon. The verdict was justifiable homicide and Buster rightfully released.

It is our opinion that if more highwaymen were treated in this manner there would be by far less ruthless murdering, and fewer people to take the honest man's money who works hard for a living. The people of the county only wish that Frank Buster's gun would have worked and the rest of the murderous bandits would have suffered the same consequence as that of their leader.

When the Peters family received news of their eighteen year old son's death, they responded by denying that their son had done such a thing. The *Vienna Times* of June 3, 1926 published the Peters family response, which had first been published in the *West Frankfort Daily American*.

#### PETERS DENIES HOLDUP STORY IN SON'S DEATH

Father of Slain Youth Says He Will Prosecute Slayers, Has the Warrants Sworn Out

E.C. Peters, father of Ed Peters who was slain in a gun fight at the Frank Buster place near Ozark on the night of May 22, returned yesterday from Vienna, where he has employed counsel to assist in the prosecution of his son's slayers.

Mr. Peters denied this morning that there is any truth to the holdup story circulated following the killing. He said he and his attorney, working with the state's attorney had uncovered evidence that would refute the robbery story. He claims that the shooting was started by Buster and said he would prosecute the proprietor of the place for the killing.

Mr. Peters contends that the party of West Frankfort men who entered the place had no intention of holding the place up and that the robbery story was given out with the intention of justifying the murder of his son. He says the gun fight was started by men who were already in the Buster place when an argument arose over some girls who were at the resort.

Peters said the story that two guns were found on his son's body is untrue. He said investigation revealed that one gun was found under young Peters' body some two hours after he had been slain but denies that there was any evidence to show that the weapon was his son's property. Another gun was found several feet from the body. It had been charged that both weapons were used by young Peters in an attempted holdup. The father denies that they belonged to his son.

Four warrants have been sworn out, according to Mr. Peters, in connection with the investigation. One of the complaints is against Carl Lauderdale, who was in the Buster place at the time of the shooting and who came to West Frankfort and identified Seburn "Shorty" Page as be-



ing a member of the party who, he said, were in the act of holding the place up, when Buster entered from an adjoining room and opened fire. A charge of robbery will be placed against Lauderdale, Mr. Peters said. The complaint, according to Mr. Peters, is in connection with the theft of certain property from his son's body after the killing. Mr. Peters also said that charges would be placed against Buster's wife, in connection with the affair.

State's Attorney O.R. Morgan, in a telephone conversation with the Daily American this afternoon, said additional warrants had been issued in connection with the shooting at the Buster place which resulted in the death of young Peters and Wesley Ragon, one of the patrons. Page is being held by the Vienna authorities in connection with the alleged holdup. — West Frankfort Daily American.

The Peters family had also sent information to the *Vienna Times* which was published on June 3, 1926. Although they were concerned with their son's death, it seems as if they were mostly concerned about their family name.

### AN EXPLANATION

Mr. and Mrs. Peters of West Frankfort wish, through the columns of our paper to make a little explanation as to the honorability of their immediate family. In reports arising from the death of their son, Edwin (Ed) Peters many false statements or suppositions have been circulated about the family.

The loss of their son is great, but an attack on the families honor seems most too much for them.

Both Mr. and Mrs. Peters are natives of Iowa, where they come from the most highly respected families of Jasper and Clinton counties. Mr. Peters for several years was testing engineer for the Des Moines electric company, also was with the General Electric Co., of Schenectady, N.Y. For the past eight years he has had charge of the Old Ben Coal Corporation, all honorable and trustworthy positions.

Mrs. Peters before coming to Illinois taught in the schools of Iowa, spending eight years in the city of Des Moines teaching, and the past eight years has been a teacher in the schools of West Frankfort, Ill.

Their only daughter, Miss Helen Peters, for several years worked as secretary for the Old Ben Coal Co., and at present is assistant cashier for the West Frankfort Telephone Co.

The boy, who was killed has served four years on the battleship, Oklahoma, U.S.A., coming out with an honorable discharge, with no demerits. He had worked under his father for the past two years since leaving the navy. His only day lost from his work was the one previous to his death.

Mr. and Mrs. Peters wish to thank the people of Johnson county for their courteous treatment of them and the kindness shown by so many. They are making every effort to prove to the people their worthiness of their esteem and to unriddle the mystery of their son's death.

Another person killed in the incident at Frank Buster's Roadhouse was Wesley Ragon. The several ways of spelling the surname might confuse researchers. The authors of this book have verified that the correct spelling

for Wesley's surname is Ragan. No correction will be made to any spellings in the news or court items in this book. The *Harrisburg Daily Register* for May 25, 1926 published the story of Wesley Ragan's death.

**MAN SHOT DURING SATURDAY HOLDUP NEAR OZARK DIES**  
**Wesley L. Ragon Succumbs to Wounds in Local Hospital; One Alleged**  
**Bandit Killed During Shooting**

Wesley L. Ragon, who was shot during a roadhouse holdup in Johnson county at 2 o'clock Saturday morning, died at 6 o'clock last night at the Lightner hospital in this city. He was brought to the hospital here Saturday afternoon, shot through the lower part of the body, the bullet piercing his pelvis.

A coroner's inquest held by Dr. L. McCormack, charges Ed Peters of West Frankfort, with having fired the fatal shot. Peters, said to have attempted the holdup, was killed by the proprietor of the roadhouse, which is located about two miles east of Ozark.

Wesley Ragon, nineteen year old blacksmith, employed at the McGregor camp of the A. Guthrie Construction Company, was in the roadhouse when three or four bandits entered and waved their guns around with the demand that everyone put their hands up. They are thought to have taken Ragon for the proprietor of the roadhouse and shot him, according to witnesses, while his hands were up. Three shots are said to have been fired by the bandits, one killing Ragon, another wounding Ragon's companion, another I.C. construction worker, in the arm and the third going through the ceiling.

The roadhouse proprietor fired one shot from a shot gun, instantly killing the West Frankfort man.

The boy blacksmith brought to this city, has been working for the Guthrie Company since January. His home was in Greenville, Ky., and his parents and grandmother came from Greenville Sunday to be with him when he died. His body was taken to Gaskins' morgue last night and this morning, accompanied by relatives from Greenville, was shipped to Kentucky for burial.

Frank Buster, the proprietor of the roadhouse is in the Johnson county jail at Vienna, having surrendered himself to the county authorities after he shot Peters.

Seburn "Shorty" Page of West Frankfort, has also been arrested and identified as one of the four bandits who held up the Buster roadhouse. He was taken to Vienna, capital of Johnson county to await the action of the grand jury.

According to a Johnson County Grand Jury indictment, the remaining members of the Peters gang were charged with the murder of Wesley Ragan. Those listed in the charge, and also members of the gang that held up and shot up the Frank Buster Roadhouse were: Seburn "Shorty" Page, Glen Fitzgerald, Barney Childers, Jimmie Erwin, C.L. Taylor, Spat "Boot" Bradley and Teddy Durouch.

Investigation of the roadhouse operated by Frank Buster brought to the attention of law officials that everything there was not legal. The time period was during the years of "Prohibition," so alcohol was illegal. Finding

illegal liquor there prompted action by the Sheriff of Johnson County. That story was published in the June 3, 1926 edition of the *Vienna Times*.

#### FRANK BUSTER'S ROADHOUSE CLOSED BY OFFICERS

House Raided by Sheriff Taylor and Deputies, Buster Arrested and Placed in Vienna Jail.

The roadhouse of Frank Buster's, near Ozark Tunnel, the scene of a holdup and what resulted in the murder of two men on last Saturday morning a week ago, was visited by Sheriff Taylor and deputies on Saturday evening of last week.

This has been a place of suspicion for some time and the officers went up for an investigation. They found two or three hundred bottles of home brew, which was destroyed, closed up the house and brought Buster down and placed him in the county jail.

Page, who was placed in jail here just after the death of Reagan, who was shot during the holdup at Buster's place more than a week ago, has been moved to the Mound City jail for safe keeping. Tuesday of this week Buster was also moved to Mound City as a jail break was feared.

The other two men in the holdup gang have been identified in West Frankfort. Sheriff Taylor went to West Frankfort Wednesday to bring them down and place in our jail.

If more of these places were closed less trouble would result.

Fears of a jail break were not unfounded, as this article that appeared in the August 26, 1926 edition of the *Daily Independent*, a Murphysboro, Illinois newspaper brought to light.

#### JAIL DELIVER AT JONESBORO LATE SATURDAY

Four Men Rip Patch From Union County Prison Wall and Gain Liberty Sunday

Seburn "Shorty" Page, of West Frankfort, held in connection with the killing of Wesley Ragan and Edwin Peters in a resort near Ozark last spring, with three other prisoners, escaped from the county jail at Jonesboro Saturday night. The prisoners made their escape while the jailer was up town with his family. A piece of pipe from the jail plumbing, was used by the four men in tearing a hole through the wall at a place where the enclosure had been patched after a former delivery. The other men who made their escape were Sherman and Ira Smiddy, charged with stealing an automobile, and Hosea Vaughn.

According to information from Jonesboro, Page is believed to have planned the escape. The Union county authorities are also of the opinion that he was aided by a woman.

Rewards totaling \$400 have been offered for the capture of the prisoners. The Union county officials are investigating the presence of a strange automobile in Jonesboro on the afternoon of the escape and expect to have the accomplices under arrest within a short time.

An investigation into the criminal record of Frank Buster reveals that he was arrested more than once in Johnson County for possessing or selling intoxicating liquors, violating the Prohibition Act. He had been arrested on March 6, 1925 for selling a pint of whiskey known as White Mule. He was arrested on January 8, 1926 for possessing a pint of whiskey. He was also



arrested with his wife, known only as Mrs. Frank Buster, for possessing twelve pints of whiskey; all of the above in violation of section twenty eight of the Illinois Prohibition Act.

The closing of Frank Buster's Roadhouse was not the end of the illegal liquor sales going on at the former roadhouse, as reported by the *Vienna Times* on June 24, 1926.

#### OLD ROADHOUSE AT OZARK TUNNEL RAIDED

Place Formerly Owned and Operated by Frank Buster

On last Friday night the roadhouse near Ozark tunnel which was formerly run by Frank Buster, was raided by Sheriff Taylor and deputies. They found a Mr. Smith, a Pope county roadhouse man had moved in Buster's old stand. Smith and a man named Butts were in together and were running a wide open place. The officers found them bottling up some mule, which they destroyed at sight of the officers. Several bottles of home brew were found. Smith and Butts were arrested and brought to Vienna's jail where they remained until Monday when they filled bond. It seems that Smith thought Johnson county was a place where he would not be bothered with officers.

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#### 1926 – MURDER / SUICIDE

##### Landis Cox killed Frank Cox then himself

Another tragic event happened on October 30, 1926 in the northern part of Johnson County. The story was reported in the November 4, 1926 edition of the *Vienna Times*.

#### SIXTEEN YEAR OLD BOY KILLS FATHER AND SELF

Frank Cox Shot and Killed by His Sixteen Year Old Son, Who Then Fires a Shot Into His Own Breast.

At the home of Frank Cox, east of Goreville, over in Tunnel Hill township on last Saturday morning at 8:00 o'clock a terrible tragedy was enacted by an enraged sixteen year old son.

The news reached Vienna last Saturday morning that Lander\* Cox had shot his father, Frank Cox, after a heated argument in regard to his going to Goreville that morning.

The following report, as we get it, of this awful affair is that, Lander\*, the sixteen year old son, wanted to go to town that morning, and the father wanted another older son to go. It is said that the father and son were each very high tempered. They became involved in an argument about the matter, the father started to correct the son, when he drew a revolver, shooting the father in the side of the head, who fell to the floor mortally wounded and died that afternoon at 2:30 o'clock in the evening. After the son had shot his father he left the room, stepped out at the door firing a fatal shot into his own breast, the bullet entering his body near the heart, but he lived till 6:00 o'clock in the evening. Coroner John VanCleve was called and held an inquest over the two bodies.

Frank Cox was 65 years of age and had a family of five children, three boys and two girls, Lander\* being the youngest child. It was said that Lander\* was a boy very high tempered and of melancholy disposition,

but had never been in no serious trouble before. He seemed to think that his parents cared more for the other children than him, and that no doubt in his mood bore heavily on his mind, which might have made him forget himself at this time to do violence to his father and himself.

Frank Cox had the reputation of being a good man. His neighbors all speak well of him, and deplore the awful tragedy.

Funeral services were held for the father and son on Sunday afternoon, conducted by Eld. P.G. McMahan, followed by interment in the Buzbee cemetery near Goreville.

\*Other documents say that the name of the son is Landis Cox, or sometimes Landes Cox.

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## **1927 – KILLED EACH OTHER**

### **Henry Newton and Raymond West shot each other**

On April 14, 1927, two Johnson County men found themselves in conflict and immediately drew guns and started shooting. The *Alton Evening Telegraph* of Alton, Illinois, carried the story on April 15, 1927. That news had originated out of Metropolis.

Metropolis – Henry Newton and Raymond West, prosperous farmers near Simpson in Johnson county, killed each other late yesterday in a fight about a ditch one had to cut to divert water. The men drew guns at the same time and each was shot through the head. Newton was almost 60 years old and West 35. They had large families.

The Coroner's report from J.W. VanCleve verified what was noted in the newspaper.

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## **1927 – NEIGHBORHOOD FIGHT**

### **Raymond Street killed Clayton Carney**

News spread quickly in Simpson about the death of Clayton Carney on September 18, 1927. The news was printed in the *Vienna Times* on September 22. That article, found on microfilm, is so degraded that it cannot be reprinted here. The best that can be made of the story is that Raymond Street and Dave Heath were approached by Clayton Carney and a man by the name of Royster.

Street and Heath had been busying themselves in cutting firewood and carrying it to Street's house. Clayton Carney and the man named Royster approached them and began a quarrel. One of the men knocked Heath down and Carney reached inside his coat and produced a gun. Street, unarmed, retreated to his house and Carney followed. When Street reached his house, he told Carney not to follow him. He reached for his shotgun that was hanging on the wall and turned as Carney had followed him into the room. Street warned him to go back but Carney advanced on him. Street then shot Carney in the stomach and the injured man dropped to the floor.

Coroner J.W. VanCleve was called and an inquest was called and held. The jury learned that these two men had had troubles before and that Carney had previously threatened Street. Raymond Street was exonerated of any crime and was not charged in this incident.

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## **1930 – KILLED AND THROWN FROM A TRAIN Who killed Arthur Raymond Drennan?**

A work crew on the railroad found a body beside the tracks in a tunnel on September 17, 1930. They immediately contacted authorities and an investigation ensued. The *Vienna Times* carried the story in its September 18, 1930 edition.

### **MAN MURDERED AND THROWN FROM TRAIN**

Arthur Raymond Drennan Shot in Head and Thrown From Freight Train in Tunnel North of Reevesville Wednesday, Sept. 17, 1930

Arthur Raymond Drennan, aged 24 years, from Paducah, Ky., was shot and thrown from a fast freight train Wednesday about 11:00 o'clock a.m. The body was found in Tunnel No. 3 about four miles north of Reevesville, Ill., by a work train crew that were working near and in the tunnel.

Coroner Royce L. Bridges was called and went to Reevesville, where the body had been brought by the crew of men at work in the vicinity where the body was found. Upon an examination it was found that he had been shot in the head, just over the left temple, a small hole, about the size that would have been made by a .32 caliber ball, and what appeared to be powder burns about the wound. Upon washing the wound, the powder burns showed up and was conclusive evidence that he had been shot. There were only a few other bruises about the face, a bruise on the hip and a gash on the chin.

The coroner notified State's Attorney Ross Reynolds and he and Deputy Sheriff Loyd Farris went to Reevesville.

The operator at Reevesville cooperating with the officers got in communication with points north of Reevesville and learned that a conductor on a freight train had been cut and beaten earlier in the morning near Effingham and that the authorities at Bluford went through the train in search of parties that might have been implicated in this matter. It was learned that two negroes and a white man was taken from the train and questioned. The white man fitted the description of the dead man. They were later released by the officers at Bluford and were last seen going back toward the yard as if waiting to board another freight. It was said by the officers at Bluford that the two negroes were brothers. They were not searched at Bluford.

The crew working north of the tunnel saw two negroes on a flat car, that was loaded by a large fly wheel, the shaft of which extended the length of the car. At Reevesville, two negroes that fitted the description given of those questioned at Bluford got off this freight and inquired if this train went to Paducah and the distance, but no white man made his appearance.



The article continued with information that is partially obscured by defects. An examination of what can be read reveals that a motor car had started through the tunnel after the train passed and found the body and marks which indicated that it had been thrown from the train. Items found were a sweater coat about a mile from the body and a package about one and a half miles down that contained a tooth brush and paste. Drennan had a receipt in his pocket that revealed his name and his mother was notified. Friends stated that Drennan had left Chicago with \$170 in his pocket about eight days before his body was found. It was thought that he had been killed by the two negroes for his money. What remained on his body was four pennies, a small mirror and a box of matches. Authorities hoped that the two negroes could be located but their apprehension was doubtful.

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### **1933 – SHOT HIS NEIGHBOR** **Carlos Green killed Walter Hastings**

Two families living in the same house could be trouble from the beginning. March 14, 1933 brought news that two such families had finally come to blows, shooting at one another, with one dead before the fight was over.

The *Vienna Times* of March 16, 1933 published an extensive story about the event that left one man dead. Unfortunately, the surviving copy of the newspaper has some edge damage. Only a portion of the article can be read. Presented below is as thorough a story that can be determined. The headline is "Walter Hastings Killed by Carlos Green in a Tenant House Occupied by Both Families."

As a result of a quarrel between the families, Walter Hastings is dead and Carlos Green is in jail after giving himself up to officers.

Both men have families and were living jointly in a tenant house belonging to a St. Louis bank, about one mile west of Vienna.

The shooting occurred about 10:30 Tuesday morning. Green and his family were at home and Hastings with his wife and son came to the house. Mrs. Green said she overheard Mrs. Hastings say that she was afraid to be in the house. She went to the door connecting their apartments and asked her what she was afraid of. She said at that time, Hastings began to quarrel and had a gun in his hands.

The day before, according to Mrs. Green, the Hastings' son had been running into the room occupied by the Greens and was bothering her youngest son who was suffering from a broken leg. She said that she told Mrs. Hastings to keep her boy out of their part of the house. This probably what caused Hastings to lose his temper.

Mr. Green said he tried to reason with Hastings, but it only seemed to agitate him more. When questioned by States Attorney C. Ross Reynolds, Green said he was afraid of Hastings and that he had told him, "I'll kill you, nobody is going to bother my family," as he flourished a gun.

Green stepped back into his room and got his shotgun, a single barrel, and from the middle of room, fired at Hastings, who was still in his own room. The shot did not hit Hastings, and he advanced toward Green with

a pistol in his hand and had not as yet fired at Green. Green then ran from the house with his shotgun and fired at Hastings and the wounded man followed. He staggered into Green's room and out to the porch and fell head first down the steps. When Hastings got back on the porch, Green threw the gun at him.

Hastings fell to the ground, he ran to John Brown's farm and asked what he should do, "get away or give himself up." He was advised to surrender and to make a clean confession of the incident. The sheriff's office was called from John Brown's house and found Green waiting for them. He submitted to the arrest and in a broken voice told about his part in the affair, and said that it was just a matter of self-defense, "I had to get him or he would get me."

An examination of the gun that was held by Hastings showed that it was a "bull-dog" revolver was empty and that the hammer of the gun had fell on two other cartridges. The shotgun from which the fatal shot was fired was a single barrel gun and was found on the porch where Green said he threw it, with the stock broken.

When asked why he had shot Hastings, he said, "I was crazy mad and did not know what I was doing."

The Coroner's Jury came to the following conclusion: "Walter Hastings came to his death by a gunshot wound in the heart, the said shot being fired by Carlos Green and we recommend that the said Carlos Green be held to await the action of the next Grand Jury of Johnson County."

A Grand Jury brought an indictment against Carlos Green for murder. On March 27, 1933, he plead guilty to manslaughter and was sentenced to the Southern Illinois Penitentiary at Menard for a term of one to fourteen years.

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### 1933 – KILLED IN A SHOOTOUT AT BELKNAP

#### Raymond Short killed James Louis Underhile

Belknap residents were alarmed by the death of one of their own in a fight on March 30, 1933. The *Vienna Times* carried the news of the event in its April 6, 1933 edition.

#### ONE DEAD ANOTHER WOUNDED IN GUN BATTLE

Lewis Underhile Died in Cairo Hospital, Raymond Short Seriously Injured in Shooting Affray at Belknap

Lewis Underhile, 24, store keeper at Belknap died Thursday night and Raymond Short was considered in a serious condition, as a result of a gun fire at Belknap Thursday afternoon. Short is convalescing in the Fisher Hospital at Metropolis.

An inquest was held Monday afternoon at Cairo by Coroner C.E. Dille. The coroner's jury recommended that Short be held for action of the grand jury and that Underhile died from loss of blood.

The shooting occurred in the doorway of Underhile's store on the main street in Belknap about 3:30 Thursday afternoon. Many witnesses

to the gun fight had gathered near the store anticipating trouble between these two men.

According to testimony at the inquest, Short was drunk and had been in an intoxicated condition for the larger part of the day. He was said to have made several trips to the Underhile store and on one occasion was boisterous and used obscene language and was asked to leave the store by Underhile. It was also reported that Short later obtained a shotgun and started to the store intending to kill Underhile. He was stopped on one of these trips by friends, who took his gun and returned it to his home. On his last trip to his home he again got possession of the gun and started for Underhile's store.

Wayne Beggs, a boy of school age was coming from the Underhile store with an arm load of groceries at the time of the shooting. The boy over heard the argument preceding the shooting in regard to Short accusing Underhile of having called the "law." The boy said that Short then raised his gun and fired at Underhile while he was within a few feet of him. He said Underhile staggered toward him after the shot. When asked who fired the first shot, the boy said, "Raymond Short fired the first shot." After the shot was fired the boy ran around the building and heard no more of the shooting.

Charlie Reynolds was questioned by Coroner Dille. He said he was within [??] feet of the shooting. He saw Short coming with his shotgun. He said that Short invited Underhile to come up the street with him and Underhile declined the invitation, saying, "No, I will stay here and take care of my own business." Short claimed that Underhile had called the law to come after him. He accused him of it and Underhile denied it by telling him that he called Vienna to ask about a truck bed. Short did not believe it and according to Reynolds, "Short put up his gun and shot Underhile. Underhile had his gun down at his side at the time." At that point Short explained, "Underhile, then got up, grabbed his gun and fired two or three times at Short. He said that Short, after shooting, Lewis, went slowly down the street and turned from the front of the store and ran around the side of the store. Reynolds said, "Underhile made four or five steps to the corner of the building and fired with his left hand down the alley about four or five times at Short."

Reynolds said he did not see the gun in Underhile's hand and did not see him draw the gun. According to reports, Underhile reached with his left hand to his hip pocket, drew his gun and began firing.

Short was hit with three bullets from the .45 caliber automatic of Underhile's gun. He was hit in the left arm, the bullet striking the bone of that arm, shattering it badly. Another slug passed through the left leg, breaking the bone of the leg and a flesh wound was found in the right leg. The 12 gauge single barrel shot gun used by Short had an indentation on the barrel about an inch from the muzzle. It is likely the barrel of the gun was struck by the slug when it was in a horizontal position. The slug taken from the arm of Short had ranged upward and was taken out near the shoulder.

Underhile died a short time after his arm was amputated in the St. Mary's hospital at Cairo. Reports are to the effect that Short will recover if infection does not set in.



Underhile is survived by his wife and one child. Funeral services were held Saturday afternoon near Pulaski. Interment was made in the Rose Hill cemetery.

Short has a wife and two children.

The same newspaper carried another story about the death of Lewis Underhile.

### DEATH OF LEWIS UNDERHILE

Belknap – Our little town is in mourning over the shameful tragedy that caused the untimely death of Mr. Louis Underhile at the Cairo hospital March 30, 1933, age 24 years.

Mr. Underhile had been a citizen of our town for some ten months and in that short time he had become dear to our people by his courtesy and honest dealings with his many customers. He was a splendid, clean young man at all times standing for the right and for law and order, and on the day of the shooting was at his own store. A shot fired by Raymond Short tore his right arm off. Dr. Thompson\* of Cypress, was called and hurried Mr. Underhile to the Cairo Hospital, but the shock and loss of blood was so great that he died at 9:30 that night. A mourned and untimely death of a young and useful citizen.

Mr. Underhile leaves his widow, who was active in our church and a sweet little daughter, Marilyn Rose, and his mother, Mrs. Laura Hoffner of Villa Ridge, Mr. Underhile being her only child, and a host of friends to mourn his going.

Four automobiles filled with friends of Mr. Underhile attended his funeral at the Mount Pleasant Baptist church in Pulaski. Rev. Ury of Mounds, had charge of the services. Interment was made at Rose Hill cemetery.

\*The Doctor's name is Thomson.

The wounded man, Raymond Short, was kept in the hospital at Metropolis until he could be healed from his wounds received in the shootout. He was eventually returned to Vienna to face justice. The *Vienna Times* of May 11, 1933 carried the story.

### RETURN RAYMOND SHORT FROM HOSPITAL

Raymond Short was brought back to this county from the Fischer Hospital at Metropolis and placed in jail here Thursday.

Short is convalescing from wounds received in a gun battle in which he was wounded several times and Lewis Underhile was killed. The shooting occurred several weeks ago at Belknap. Short's wounds are healing, and according to his physician, has a good chance of recovery. He is still confined to his bed and is being attended by his wife.

He will be detained in jail to await action of the grand jury, charged with murder.

A Johnson County Grand Jury indicted Raymond Short of murder in its August term of the Circuit Court. When the case came to court, Short made a plea of not guilty, then on August 28, 1933, he withdrew the plea and was sentenced to the Southern Illinois Penitentiary at Chester for fourteen years.

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## 1933 – SHOT IN VIENNA

### Ardell “Spike” Johnson tried to kill George Latham

The *Vienna Times* brought news of an attempt to take another man’s life in their October 26, 1933 edition.

#### GEORGE LATHAM SHOT HERE FRIDAY NIGHT

Colored Man Wounded by Ardell (Spike) Johnson, Who Evades Arrest and is Still at Large

George Latham is suffering from a wound in the upper lip and nose as the result of a bullet fired by Ardell (Spike) Johnson Saturday afternoon. Johnson ran after firing the shot and officers have been unable to find any trace of him. Both are colored men.

Latham and James Worlds were engaged in repairing a hog pen in the west side of Vienna, when Johnson came up. They did not know of his presence and no words were passed. Johnson fired, using a small revolver aimed at the head of Latham. The bullet entered at the lower side of the nose and ranged out of the upper lip on the opposite side of the face. According to Latham no words were passed before or after the shooting. That Johnson evidently expected to kill Latham is attested by the wound in his face.

Latham was able to walk to the doctor’s office and it is thought that no bad results will come from the wound.

Latham said that he had had trouble before with Johnson and they had a fight a few weeks ago. It seems that Johnson got the worse end of the fight and the shooting is the outgrowth of their former trouble. Johnson lives on the hill south of Vienna.

The article is somewhat confusing about the time of the incident. The headline says it happened on Friday night. The article said that it happened on Saturday afternoon.

Two weeks later, November 9, 1933, the *Times* carried the results of the search for Johnson.

#### ARDELL (SPIKE) JOHNSON JAILED

Ardell Johnson (colored) known as Spike Johnson was arrested in Mound City Monday and held for Johnson county authorities. Deputy Sheriffs Arthur Miller and John W. Carlton went to Mound City and brought him back to Vienna, where he was placed in the county jail, after they were notified by the Pulaski county authorities.

Johnson is charged with attempt to murder, having shot and wounded George Latham about three weeks ago. Latham was shot in the lower part of the nose, the bullet going out of his upper lip. The shooting occurred on the west side of Vienna while Latham was repairing a hog pen.

Ardell “Spike” Johnson was indicted on a charge of assault with a deadly weapon. He was released on bond but no other documents can be found to determine the final outcome of the case.

This is not the last time that Ardell Johnson will appear before the Court in Johnson County. He was indicted for murder as a co-conspirator in the murder of Maggie Gray in 1954.

## 1933 – ANOTHER ROADHOUSE KILLING

### Lloyd Haden killed Troy Murphy

The third murder in Johnson County in 1933 had broken the time of peace that had existed since March of that year. This murder occurred at another roadhouse, the last being Frank Buster's Roadhouse east of Ozark in 1926. Troy Murphy was killed at the Ben Evers Roadhouse on December 9, 1933. The story of this murder was published in the *Vienna Times* in its December 14, 1933 edition.

#### TROY MURPHY KILLED SATURDAY NIGHT

Shot Fired by Lloyd Haden, 45, Ben Evers' Roadhouse Saturday night.  
Haden Held Without Bond.

The third fatal shooting with intent to kill within the county in the past few months occurred at the roadhouse owned and operated by Ben Evers, one-half mile west of Vienna Saturday night about 8:30 o'clock.

Lloyd Haden, 45 years old, shot and killed Troy Murphy, 28 years old. The ball entered the head of Troy Murphy in the upper lip, ranging to the right on back and probably passed through the lower section of the neck and lodged in his spine. The gun used was an automatic. Death was instantaneous.

Immediately after the shooting, Sheriff T.C. Taylor and Deputies [?]W. Carlton, Jim Gray and Arthur Miller went to the roadhouse and investigated the shooting and ordered the body removed to the Parker Undertaking parlors.

Coroner J.M. Watkins of New Burnside, was called and empaneled a jury Saturday night and continued the investigation over until Monday morning at 9:00 o'clock when the inquest was held at the court house.

Two women, Retha Nixon and Lena Marshall, who had been arrested on the night of the shooting and held for statements were taken to Jonesboro on Sunday morning. They were released Monday for the inquest. Ben Evers was also released from the county jail and testified at the inquest. Evers explained the shooting as he saw it and his testimony was supported by that of the two women. Ben Evers and the women were released Monday, having filed appearance bonds.

Tate Murphy, a brother of the slain man, was questioned at the inquest. According to his statement the brother and Haden had quarreled outside the building about an hour previous to the shooting. Both parties left and the Murphys returned, accompanied by Bill Anderson. Haden also returned. Murphy told of a quarrel in which Haden cursed them and then two shots were fired. Murphy said he was so drunk that he did not have a clear recollection of all the happenings preceding the shooting.

The slain man was said to have objected to Haden cursing his brother, saying, "You can't call him that," and with this a blow was struck and two shots fired. Tate Murphy took off his coat and was also advancing on Haden as the shooting occurred. After Tate realized that his brother was killed, he said, "Why didn't he shoot me instead of Troy, I was the blame of it." Tate has been giving Evers considerable trouble of late, having been arrested twice charged with drunkenness and disorderly conduct.



Ben Evers told of a quarrel stating that Tate Murphy asked Haden for a drink of "his good whiskey." Haden refused to comply with the request saying, "You never got any from me, why should I give him a drink." These words brought a few more and Evers said he tried to stop the argument. All the men were drinking heavily. He said that Murphy advanced toward Haden and struck at him. Haden fell against the wall and in tightening up fired two shots in rapid succession. Evers said it looked as if the first shot might have gone to the floor, but the last shot was while both men were on their feet.

He said the muzzle of the automatic was a very short distance from the face of Murphy. After the shots were fired, Haden stepped over the body of Murphy and went out the front door, Evers said. According to reports from residents living in the vicinity of the roadhouse, disturbances flare up quite often there.

Officers searched Saturday night for Haden and learned that he had left the roadhouse in a car driven by [????] McCuan. They went to the McCuan home and found McCuan there. Haden had been at the McCuan home, but had left. Sunday morning the officers went to Haden's home on Route No. 1 north of Bloomfield and found him. He told officers that he was preparing to come to Vienna and give himself up. He was taken from here to Jonesboro and kept until Tuesday when he was returned to Vienna.

Haden was not brought before the Coroner's jury, but officers reported that he said, "They crowded me and I had to kill him." Haden also stated that he thought Murphy had something in his hand when he struck him.

The verdict of the coroner's jury read as follows: "Troy Murphy came to his death by a gun shot wound in the hands of Lloyd Haden in Vienna township on the night of Dec. 9, 1933. We further recommend that Lloyd Haden be held for murder without bond to await the action of the grand jury."

Funeral services were held Tuesday for Murphy with interment in Union county. He is survived by his parents, wife, and four children.

A Johnson County Grand Jury brought an indictment of murder against Lloyd Haden at the November term of the Circuit Court. The *Vienna Times* published on January 18, 1934, brought the remainder of the Lloyd Haden story.

#### LOYD HADEN PLEADS GUILTY GETS 1 TO 14

A special grand jury was hastily empaneled Friday morning of last week and returned an indictment against Loyd Haden for manslaughter. Immediately after the indictment was returned, Judge Hal A. Spann sentenced Haden to the Southern Illinois Penitentiary for a term of 1 to 14 years. Haden plead guilty to the charge of manslaughter.

On the night of December 9th, Haden shot and killed Troy Murphy at the road house operated by Ben Evers west of Vienna. At the time of the shooting Haden and Murphy were reported as both drinking. The fight started over an argument in which Murphy struck at Haden. Haden drew a gun and fired two shots, one taking effect in the head of Murphy. According to Haden's version of the shooting, he though Murphy had some-

thing in his hand with which he struck him, but Murphy only struck him with his fist.

After the shooting Haden fled, but surrendered the following day to county officers. A coroner's jury held Haden for murder without bond to await the action of the grand jury.

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## **1934 – NEWS OF A JOHNSON COUNTIAN INVOLVED IN MURDER** **William Cody Kelley first to be executed in Colorado Gas Chamber**

This book also includes news of people from Johnson County who went to other parts of the country and were charged with murder. The *Vienna Times* carried the story of William C. Kelley in its June 28, 1934 edition.

### **FORMER JOHNSON COUNTY MAN EXECUTED SATURDAY**

William Cody Kelley, former Johnson county man paid with his life Saturday for the killing of a rancher a few months ago.

The man executed is the son of Earl Kelley living in the north part of the county. Young Kelley was born and reared in this county.

Kelley was the first to be executed in the state of Colorado by lethal gas. A test of the chamber was made on animals prior to the execution and the warden officiating at the execution stated that it was even more effective on human life than on animals.

The crime with which Kelley was charged and paid with his life was committed a few months ago. Soon after the killing, Colorado authorities notified the sheriff of this county that Kelley was on his way to his home here. The sheriff's office made a few trips to the home but to no avail. It was later learned that Kelley accompanied by his wife spent a few weeks in Indiana and was later apprehended in some southern state.

The father of the condemned man was in Vienna Saturday and stated that his son would be executed that day unless a stay of execution was granted by the governor of that state. Efforts were made to get the sentence lightened to a life imprisonment term, it was said.

According to the metropolitan papers, the body was buried on a hill termed "Woodpecker Hill" near the Colorado state penitentiary.

It is said that Kelley came from a respectable family and the friends of Kelley and his parents, extend their sympathy.

The story of the execution of this man is remarkable because it seems the whole nation was watching. The incident that brought Kelley to this point was the killing of a Colorado rancher. The story is best told by the October 27, 1933 edition of the *Reno Gazette-Journal* of Reno, Nevada. The article had its origin in Delta, Colorado where the crime was committed.

### **TWO MEN NABBED FOR INQUIRY INTO DEATH**

Delta, Colo., Oct. 27 – (AP) – Two men were in jail here today and officers were seeking a man and his wife in connection with the slaying of Russell Browning, Delta rancher, and the firing of his home October 17.

Lloyd Frady, twenty-three, was being held although no formal complaint against him has been filed and Jess Stacey was held as a material witness.

Frady, officers said, was released from the penitentiary recently. He told officers he does not remember anything on the night of the slaying, they said. District Attorney Haywood quoted him as saying, "I was drunk that night and don't know where I was or what I did." Officers refused to divulge the names of the man and woman sought.

Browning, fifty-two-year-old recluse, was found with his head crushed, by neighbors who were attracted by his burning home.

The above article did not reveal the husband and wife that they were looking for but it was William Cody Kelley and his wife, Eva. The murder of Browning was attributed to Kelley. It has been said that he tied Browning's hands with barbed wire and beat his head to a pulp with a pipe. Neighbors who found the body the next morning believed that the body was left where hogs could get to it, hoping they would consume the body. When Kelley and his wife left Colorado, they spent some time in Lake County, Indiana. From there, they went to Jamestown, Kentucky, where they were captured Christmas Day in 1933.

During Kelley's incarceration in Colorado's Canon City Penitentiary, he learned that he would be executed in the new Colorado death chamber; in fact, he would be the first one to die there. Without money, there was no way that he could obtain an appeal for a shorter sentence. While there, a journalist, Lorena Hickok, became quite engrossed by Kelley and attempted to get him an appeal using her own cash. Unfortunately, Lorena Hickok was also a friend to Eleanor Roosevelt. When it was learned that Lorena was going to front the money for the appeal, she was told to back off because it would throw a politically difficult light on her close friend, Eleanor.

Later, in a letter to Mrs. Roosevelt, Hickok, after Kelley's execution, referring to her regret in not pursuing an appeal for him, she wrote:

The thing has nearly driven me crazy. How can you have any faith or hope in us if we do things like that in this supposedly enlightened age? I feel as though we were living in the Dark Ages, and I loathe myself for not having more courage and trying to stop it, no matter what the consequences were. You would have done it well – I guess I'd better not think about it any more.

As the time for his execution drew near, Kelley began to think about his death more seriously and pursued a religious experience to satisfy his soul. Less than a week before his execution, *The Salt Lake Tribune* of Salt Lake City, Utah, published the following on June 20, 1934:

#### CONDEMNED MAN ENGAGES IN FEUD AS HOUR OF EXECUTION APPROACHES

Canon City, Colo., June 19 (AP) – Cursed by his former pal and consoled by his pretty young wife, William Cody Kelley nervously paced a tiny cell in state prison tonight, convinced he will be the first to die in Colorado's new lethal gas chamber.



When Governor Ed C. Johnson informed prison officials today he will not interfere with Kelley's execution, scheduled for Friday night, the squint-eyed killer lost all hope that his life will be spared.

He muttered prayers that he should be saved while Warden Roy Best made a final test of the gas chamber and announced it worked perfectly. A pig was put to death in two seconds after 12 poison balls were dropped in a pail of water under the "throne" in the death chamber. When the balls strike the water they generate deadly poison.

Lloyd Frady, Kelley's accomplice in the slaying of Russell Browning, Delta, Colo., hog raiser, said the prayers that Kelley muttered were "all make-believe" and not sincere.

"He's just a hypocrite," said Frady, adding a few profanities.

Animosity between the two men arose because Frady turned state's evidence at the trial, placing the blame on Kelley. Frady also was successful in obtaining an appeal of his case, while Kelley was not.

"I hope he is gassed right after I am," Kelley said.

In the meantime, Kelley's 23-year-old wife, Eva, failed in an effort to have Governor Johnson reconsider his decision not to interfere. She wrote the governor a letter from Oregon, where she is attempting to raise funds to finance an appeal on behalf of her husband.

"Think of me and our dear little baby girl, only a few months old," wrote Mrs. Kelley. "Kelley was led into this mess when he was drunk, and since it is over he has been terribly sorry and has forgiveness for it and has been baptized. I know he never would get in trouble again."

Mrs. Kelley also was charged with participating in the killing, but the charge was dismissed.

The men are accused of killing Browning with a heavy piece of pipe. It was testified they went to his isolated hog ranch to rob him.

"Do not give up hope, Cody, dear. I am doing everything I can to save you, and I still have hope. Remember that I love you and that our darling little girl loves you."

She and Kelley were arrested at Jamestown, Ky., last Christmas after Frady was taken into custody at Delta and confessed. The slaying occurred October 16, 1933.

With all appeals for clemency lost, all that was left was to wait for the hour of execution. Kelley's idle time caused him to write a letter for publication. United Press sent it to some of their affiliates, the *Marshall Evening Chronicle* of Marshall, Michigan, publishing it in their June 22, 1934 edition.

By William Cody Kelley (copyright, 1934, by United Press)

Death Row, State Penitentiary, Canon City, Colo., June 22

I'm not afraid any longer.

I'm ready to die like a brave man.

I regret only one thing—leaving behind my wife and our beloved daughter. But I have learned to believe that sometime I shall meet them again, and in a greater, happier world.

Two days ago I was terribly afraid of walking into that gas chamber to die. I thought I might collapse. Now I know I can go like a man. I've prayed that I might face it unafraid, and I'll go that way.

My last hope of reprieve is gone.

I am certain I did not kill Russell Browning. I know that. When sober, at least, I do not possess the criminal instinct. I have never in my life desired to steal or kill.

But I cannot say just what happened that night last October. I was in a drunken stupor.

There will never be a stronger lesson against the evils of drink that what has happened to me. I don't want to preach, but I can truthfully say that liquor is the direct cause of my tragic predicament.

I've memorized a verse from the 107th psalm. It reads like this:

"Fools, because of their transgressions and because of their iniquities, are afflicted. Their soul abhorreth all manner of food and they draw near unto the gates of death. Then they cry unto Jehovah in their trouble and he saveth them out of their distresses. He sendeth his word and healeth them, and delivereth them from their destructions."

Somehow that verse seems to fit. I know I was a fool – and now I "cry to Jehovah in my trouble."

I'll be repeating that verse as I walk into that gas chamber tonight.

God give me strength to die like a man.

The best account of the execution of Kelley was published in the *Decatur Herald* of Decatur, Illinois on June 23, 1934. The story originated in Canon City, Colorado and was distributed by United Press.

#### FIRST GAS EXECUTION IN COLORADO

New "Humane" Death Chamber Takes First Victim Friday  
HELD PAINLESS

Canon City, Colo. – UP – William Cody Kelley, 30, a Delta county farmhand, died in Colorado's new lethal gas chamber at the state penitentiary here last night for the murder of Russell Browning, rancher.

Walking quietly into the gas chamber at 7:51 p.m., Kelley repeated Bible verses as he was strapped in the death chair. At 7:54 p.m. the lever which drops eggs of potassium cyanide into a pan of sulphuric acid was pressed.

Within 30 seconds, as the deadly hydro-cyanic acid gas fumes rose about him, Kelley was dead, observers believed, although it was nearly half an hour later that the chamber was cleared of gas and physicians could examine him and formally pronounce him dead.

Led Into Chamber – Nearly 150 persons, including more than a score of physicians from every section of the state, watched as the doomed man was taken into the gas chamber.

Wearing dark trousers and a white shirt, he had walked calmly between two guards from his cell in the death house to the stucco-covered building containing the metal gas chamber, just outside the prison walls.

Reaching the gas chamber, he was stripped to a pair of white linen shorts and black socks. In this garb he was taken into the metal chamber, and seated in the middle one of the three chairs it contains.

Warden Roy Best explained Kelley was stripped so that none of the deadly gas could remain in his clothing, resulting in possible injury or death to persons examining the body later.

Broad straps were fastened about his waist and chest, and his legs and arms also were bound to the chair. A black blindfold was placed over his eyes.

Muttered Prayers – Kelley sat immobile throughout the preparations. Occasionally he muttered a few words of prayer, which guards who attended him said were almost incoherent.

After the blindfold had been placed over Kelley's eyes, guards carried into the chamber a pan containing two quarts of sulphuric acid, and placed it beneath the chair.

The doors were sealed at 7:53 p.m., and the lever which shot 12 eggs of potassium cyanide into the acid was pressed a moment later.

Instantly the witnesses, staring intently through the glass windows set into the chamber, saw a light gray smoke rising from the pan of acid.

It appeared that Kelley realized the gas was rising about him. He gulped down two deep breaths, and his head fell backward as his body surged forward against the straps which bound him.

Quickly Senseless – His face did not contort, nor were there muscular convulsions such as those of a man in pain. Several times in the next two minutes it appeared that he might be trying to breathe, but physicians said spasmodic movements were simply muscular contractions. They said he was certainly unconscious within 15 seconds after the gas formed.

At 8:08 p.m., 12 minutes after the lever had been pressed, the "blowers," which clear the chamber of the deadly fumes by forcing in a mixture of ammonia and air, were turned on.

At 8:20 p.m. the doors were opened, and two guards, wearing gas masks, carried out the dead body. An autopsy was performed at the prison hospital after physicians had formally pronounced Kelley dead.

Relatives did not claim the body, and it will be interred today on barren Woodpecker Hill, the prison burial ground.

The last resting place for William Cody Kelley was at Woodpecker Hill, the prison cemetery outside the prison walls at Canon City, Colorado. It was named Woodpecker Hill because the cedar planks used as grave markers were rapidly destroyed by woodpeckers. To fix this problem, the inmates, who made license plates for the state, fashioned metal license plates with names and dates on them and posted them on the graves. Now Woodpecker Hill is a place occupied by several rusting license plates memorializing those who are buried there.

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### 1934 – CHANGE OF VENUE FROM SALINE COUNTY

#### **Norman Tavender killed Harry Newkirk**

Johnson County, having more of a farm based economy, was not afflicted by union conflicts that occurred in some of the counties to the north. One such conflict was a dispute between the United Mine Workers Union and the Progressive Mine Workers of America that occurred at Harrisburg in Saline County. The first news came out of Harrisburg on October 1, 1934.



It was published by the *Alton Evening Telegraph* of Alton, Illinois on the same date.

### CROWD THREATENS PRISONER AFTER SLAYING OF YOUTH

Fatal Shooting Follows Mine Union Dispute At Harrisburg

Harrisburg, Ill., Oct 1 (AP) – With Norman Tavender held in a jail at Benton for safekeeping, officials today prepared for an inquest into the death of Harry Newkirk, 19, mortally wounded as he stood on a street corner late Saturday night.

The inquest into the shooting, which police chief Harry Moyer said apparently climaxed a scuffle between the two, will be held on Tuesday afternoon. Funeral services for Newkirk will be the same day.

Tavender ran into a nearby bank building after the shooting and a rapidly formed crowd milled about entrances to the building for hours after. He was arrested early Sunday morning and rushed to Benton. There officers said efforts to question him were fruitless.

Two rocks were thrown through a window of the building, and shouts of "let's get him" were heard as county and city officers planned to get Tavender to safety. Fearing he would not be safe in a local jail, officers took him from the building two or three hours after the shooting, hurried to an automobile in an alley and rushed out of the county to Benton.

When arrested, officers said Tavender surrendered a snubnose .38 caliber pistol.

Newkirk is the son of a Progressive miner.

Because the youths were sympathizers of different mine union factions, there are distorted reports of the incidents which led up to the fatal shooting, officers said.

Newkirk's is the third death in Saline County attributed to the mine union dispute. There was a double slaying at Galatin last December in a pistol duel.

Following the shooting Saturday night, Police Commissioner John Womack, ordered all liquor retailers to close their stores.

Several fist fights were reported during the day.

The following day there was another shooting in Harrisburg between United Mine Workers and Progressive Mine Workers people. One miner died as a result. The citizens were so divided over their loyalties to two different mine unions, that there was going to be no way that a fair trial could be had. Johnson County, with its lack of mining unions, was the perfect place to move any trial of this nature to.

The case was moved to Vienna and scheduled for trial in March, 1935. The *Alton Evening Telegraph* of Alton, Illinois, published the news of the trial in its March 25, 1935 edition.

### Trial for Slaying In Mine Union War

Vienna, Ill., March 25, (AP) – Norman Tavender will go on trial here tomorrow charged with the murder of Harry Newkirk during a quarrel over mine union politics in Harrisburg Sept. 29.

The shooting occurred in the Harrisburg business section.

Summons have been served on no less than 60 Harrisburg persons who will be defense witnesses at the trial.

Tavender's defense will probably be self-defense for stories by the witnesses at the inquest conflicted as to whether Tavender shot Newkirk without provocation.

Tavender does not deny the shooting, but maintains self-defense.

Charles Huffman of Vienna and Finney & Whiteside of Harrisburg will represent Tavender and John Kane, Saline county states attorney will be assisted by Emory J. Smith, assistant attorney general in the prosecution.

The Johnson County Court record indicates that on March 26, 1935, the murder trial of Norman Tavender had a mistrial because the jury was allowed to communicate with other persons. The case was continued.

*The Jacksonville Daily Journal* of Jacksonville, Illinois, published the following account of the mistrial in its March 28, 1935 edition.

Vienna, Ill., March 27 – (AP) – Trial of Norman Tavender for the murder of Harry Newkirk, of Harrisburg, was continued until May 13 today after a jury selected to try the case was dismissed because the jurors had talked to spectators.

Tavender is charged with killing Newkirk, a Progressive miner, during a quarrel over mine union politics last Sept. 29. After Newkirk died from bullet wounds officers said Tavender admitted he shot in self defense.

The Johnson County Court record has no further information on this case. There is no more news in regard to the case.

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## 1940 – MURDER IN CYPRESS

### Audie Turner shot Lynn Capron

People who have lived in the Cypress community for more than a decade have most likely heard the story of the murder of Lynn Capron. An incident of this nature was quite alarming to the people in the whole area surrounding Cypress. For those who didn't live nearby, they had to wait on the news to come out in the *Vienna Times* of February 8, 1940.

#### LYNN CAPRON FATALLY SHOT AT CYPRESS TUES.

Audie Turner Admits Firing Shot and Quietly Awaits Sheriff's Arrival  
Inquest To Be Held Saturday Night at Cairo

Lynn Capron, 25, was fatally shot on the main street at Cypress, about 7:00 o'clock Tuesday evening by Audie (Smiley) Turner, 25. There were no eye witnesses to the shooting. Friends of both men later picked up the limp body of Capron and carried him to the office of Dr. Wm. Thomson.

Following the shooting Turner went to the Holshouser restaurant and calmly awaited the arrival of Sheriff Roy Shetler and State's Attorney C. Ross Reynolds, who were notified immediately. It was reported that Turner told the owner of the restaurant that he had shot Capron and that he was lying on the side walk. Turner was brought to Vienna and placed in the county jail.

When interviewed at the county jail by a Times reporter, Turner said that Capron had threatened to "get him" the night before the shooting.

Turner said that some friends told him of the threat. He told the following story to the reporter, "I was walking up main street in Cypress about 7 o'clock and he (Capron) was standing in a dark place in front of Canupp's shoe shop. I did not see him until I got near him, and I think that he thought that I did not see him at all." Turner then said that Capron lunged at him with a knife, in his hand and continued his story, "I ran up the street in front of Lentz's store and then I told him to stop, or I would shoot him. He kept coming at me. I thought that he would stop when he saw my gun, but he kept coming right at me. Then I shot him." Turner said that Capron was only about four feet from him when he fired. Capron dropped to the walk and Turner went back to the restaurant.

Bob Canupp of Cypress, is reported to have seen a part of the fight. It is reported that Canupp said he saw Capron waving his arm, but did not see a knife. Canupp said that he fled from the scene when he was what was happening.

When asked why he was carrying the gun, Turner said that he was not in the habit of carrying the .32 calibre pistol which fired the fatal shot, but after he heard of the threats made against him he put it in his pocket that night. He stated that he and Capron had been good friends until two or three months ago. When asked what the trouble was between Capron and himself, he replied, "I don't know."

Capron is married and there were rumors that jealousy might have contributed to the differences between the two men, but there was no evidence or definite information obtainable to support these rumors.

After Capron was taken to the office of Dr. Thomson, a hurried examination revealed that the bullet had gone into his body very near the heart. He was bleeding badly and was rushed to a Cairo hospital, where he died at 10 o'clock Tuesday night. So far as could be learned yesterday, Capron made no statement about the affair, nor did he give his version of the shooting or events leading up to it.

Capron is survived by his wife, his mother, Mrs. Sara Capron of Cypress, three sisters, Mrs. Leona Davidson of Murphysboro; Mrs. Charlotte Penrod of Belknap; and Miss Mary Alice Capron of Cypress; four brothers, Herschel of Dixon; Henry of Selfridge Field, Mich.; Robert of McCellan, Ala., and John of Cypress. His father, John Capron passed away some years ago. Turner is the son of George Turner of Cypress. Capron was a WPA worker.

Funeral services will be held at the Methodist church in Cypress Friday morning at 10 o'clock with interment in the Masonic cemetery.

The date of the inquest to be held at Cairo has not been set.

The following week, the *Vienna Times* printed more details in the story in its February 15, 1940 edition.

## CORONER'S JURY HOLDS TURNER FOR GRAND JURY

### Inquest Held at Cairo Monday Evening

Turner Tells Jury He Was Friendly With Woman Living With Capron

Audie (Smiley) Turner will be held in the county jail to await action of the Johnson county grand jury. This recommendation was made by a coroner's jury at Cairo Monday night, Coroner C.E. Dille of Alexander county presiding.



Turner fatally shot Lynn Capron at Cypress on Tuesday night of last week. He was taken to Cairo by Sheriff Roy Shetler and State's Attorney C. Ross Reynolds Monday night to the inquest. After first being advised by Coroner C.E. Dille and State's Attorney Reynolds that it was his privilege to testify or decline to testify at the hearing, Turner decided to tell his story to the coroner's jury.

Several witnesses were questioned, the two most important of whom were Turner and the woman Capron was living with, who went by name of Fern Capron. Turner took the stand and held to the same story reported in The Times last week. He said, "Two or three people told me that he (Capron) was going to get me. I was walking up the main street of Cypress Tuesday night about 7:00 o'clock when Capron, who was hiding in the doorway ran at me and with an oath said he was going to cut my throat. He had a knife in his hand. I ran up the street away from him until I got in front of Lentz's Store and in the light. I took the gun out of my pocket and told him if he did not stop I would shoot him. He came on at me and I fired. He was about four feet from me when I fired. He fell to the side walk, dropping the knife on the walk when he fell." When asked by Coroner Dille if he saw the knife on the walk, his answer was, "yes."

Following the killing the knife referred to by Turner could not be found by local police officers.

Among the other witnesses questioned were: Robert Canupp, Tellus Greer, Arnold Jones, Francis Eastwood, Archie Capron, Rue Mitchell, Howard Penrod, T.H. Smith, Harry Turner, H.E. Mowery, Doyl Lentz, and George Carter.

Robert Canupp told of being on the street when Capron and Turner were having their trouble. He said that he did not see Turner fire the gun, but when he heard the shot he saw Capron lying on the walk. When asked if he saw Capron with a knife he answered, "no."

Tellus Greer testified that he had heard Capron say the day before the shooting that he (Capron) was going to get three fellows and then was going to leave town. Greer said that Capron did not name them.

According to testimony of other witnesses, Capron made the same statement in a restaurant in the presence of five or six people on the night before the shooting. One or two of the witnesses said that he was drinking at the time.

On the afternoon preceding the shooting, T.H. Smith, Harry Turner, brother of Audie Turner, George Carter, and possibly others were in a restaurant and Capron at that time had a pocket knife. One of the men was sitting at a counter sharpening his knife and Capron borrowed the whet rock and sat at the counter and sharpened his pocket knife. After he had finished sharpening the knife, Capron made some remark that (the knife) was what he would use on them. The knife was not found in the pocket of Capron's clothing nor near the scene of the shooting.

Fern Capron was called to the stand. Her testimony preceded Turner's. She said that on Sunday night before the shooting Capron told her to pack up and leave. She said that she packed her clothing and took the suit cases to the home of a neighbor and then stayed Sunday night at the home of Archie Bass. She continued, "He (Capron) had threatened to

run me off from home several times. I was told that I could get a job at a store at West Vienna but I did not have money to get there. Turner offered to give me the money but I would not take it." Fern said she did agree to let Turner accompany her on the train to West Vienna. "I failed to get the job and Turner and I returned on the south bound train, being gone from Cypress a little over an hour," Fern said. This occurred on Monday night. When asked if she was legally married to Capron, Fern said, that she was not. She came with Capron to Cypress about three years ago and said she met Capron at Sterling, Ill. At Cypress it was generally accepted that the two were married. In answer to a question as to whether or not Capron had any cause to be jealous of Turner, she said, "no." When asked if she had ever been out with Turner, she said, "no."

When Turner was questioned as to his friendliness toward Fern, he said that she had told him that she was under no obligation to Capron for they were not married. He also stated that they had been out together a number of times.

Following the testimony of Turner the jury retired to another room and returned the following verdict: "We find that Lynn Capron was shot fatally at Cypress, Ill., Feb. 6th, 1940 at 7 p.m., and died later at St. Mary's hospital in Cairo, Ill., about 10 o'clock p.m., as a result of the shot fired by a 32 calibre revolver by Audie Turner of Cypress, Ill. We recommend that he be held over for action of the grand jury."

It is interesting that the Johnson County Court record has no mention of this case. There is only one way that this could happen. When the case was brought before a Grand Jury, they may have returned a "Not a True Bill." This means that they did not indict Turner and the case ended there. That could have happened if the jury believed that Turner was acting in self defense.

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## 1941 – STABBED IN THE HEAD

### Everett Adams stabbed George Marion Newton

A Tuesday night argument on February 5, 1941 brought an end to the life of a Goreville man. The *Vienna Times* covered news of the event in its February 13, 1941 edition.

#### GOREVILLE MAN DIED OF INJURY INFLICTED IN FIGHT

##### George Marion Newton Stabbed in Head with Knife

##### Everett Adams Being Held in County Jail

George Marion Newton, 30, of Goreville, died in a Herrin hospital early Monday morning as a result of a head injury received in a fight on Tuesday night of last week. Everett Adams, also of Goreville, was arrested last week and is being held for action of the grand jury. Adams, son of Lum Adams, admits striking Newton in the head with a knife, but maintains that it was in self defense.

According to testimony brought out at an inquest held at Marion Monday morning, George Marion Newton, Everett Adams, James Rushing and possibly others, had an argument at Goreville Tuesday night. George Marion Newton had been accused of taking two cases of Coca

Cola from a truck and Adams said that Troy Smith told him that Newton had taken the Coca Cola off the truck. Smith was at Curve Inn, south of Buncombe, at the time, and it was decided to go there and Adams was to prove that Smith had made such a statement.

When the party arrived in Adams' car at the tavern, they called Smith outside and he was confronted by Adams and denied that he had made any such statement and in the course of events Smith struck Adams twice. The boys got back in the Adams car to return to Goreville and had an argument over who would pay for gasoline they bought at Curve Inn. Newton refused to pay for it and later Adams, it is reported, told Newton that he did not care about him riding back to Goreville in his car.

Newton, according to the other boys in the car, started to get out of the car, saying, "I'll get out and I want to see you on the ground." According to the story given by the other passengers in the Adams car, Adams struck Newton twice while he was getting out of the car. Newton walked toward him and he struck him again, this time with his knife open, striking Newton in the head. The boys got Newton in the car and Adams fled.

The Goreville boys drove Adams' car back through Goreville and to Shott's place north of Goreville. When they started to leave that place the car would not start and they left Newton sitting in it and walked or hitch-hiked rides to their homes. Later in the night Shott asked an oil well worker, who stopped at his place, to take Newton to a doctor for he was bleeding badly.

The oil man took Newton in his car to a Goreville doctor, who dressed his wounds. Newton was unconscious and was taken to his home. Later in the week Newton was taken to the hospital where an x-ray examination disclosed the point of a knife blade in his skull. He was partially paralyzed and had not regained consciousness. He died at 2:30 Monday morning.

When questioned about the fight by State's Attorney C. Ross Reynolds, Adams said that Newton threatened the life of Smith if he told that he had taken the Coca Cola from the truck and indicated, by reaching inside his coat, that he had a gun there. This conversation occurred, according to Adams, while they were enroute to Curve Inn. Adams also told the state's attorney that before he used his knife, he saw Newton reach for his gun. The other boys in the car did not recall any conversation of this nature between the two men and said that Newton did not draw a gun when he was struck by Adams and they said, if he had a gun they did not know it.

An inquest was held at Marion Monday morning and the coroner's jury held Adams for action of the grand jury.

Newton is a married man and has one child.

A Johnson County Grand Jury convened and brought "A True Bill," indicting Everett Adams of murder on March 24, 1941. He was brought to court on March 27th, where he made a plea of guilty for manslaughter. He was sentenced to the Illinois State Penitentiary for one to fourteen years and costs.

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**THIS BOOK WILL NOT INCLUDE AUTOMOBILE ACCIDENTS  
OR ANY OTHER DEATH ATTRIBUTED TO AN ACCIDENT.**

The courts were beginning to see charges of manslaughter brought against those who caused accidental deaths in motor vehicles by this time in history.

The authors of this book have rejected those cases where charges of manslaughter have been brought from accidents. If a case was first considered an intentional act and later thought to be purely accidental, then it might be considered for inclusion.

Just as those who were killed by accidental shootings, the authors are omitting motor vehicle accident cases where the death of a person was not an intentional act.

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Honoring the law, the authors of this book have stopped using newspaper articles after 1941 to allow the possibility that those papers had filed copyright and had fulfilled the laws concerning renewals in a timely manner.

News articles published more than 75 years ago are in the public domain and are used freely in this book to allow the readers to see the news as it was presented in those early days.

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**1946 – STABBED IN THE HEART  
Who killed Margaret Latham Simmons?**

The night of July 23, 1946 was the last that Margaret Latham Simmons would ever see. She died that night as a result of a wound into her heart. The incident was clouded by conflicting stories of what happened. The mystery was reported in the July 25, 1946 *Vienna Times* with the news of the coroner's verdict: "Colored Woman Dies From Wound In Heart Caused by Sharp Instrument, Jury Finds."

Margaret died of a wound over her left breast that penetrated her heart. The incident happened just before midnight on July 23rd. She was at her home when she died.

State's Attorney Charles J. Huffman questioned several witness at the inquest held at Robertson's Funeral Home in Vienna the next morning. Witnesses said that she fell against a glass panel in the front door of her home. The glass from the door had penetrated her heart. The wound was about a half inch in width going straight into her chest. A second wound

entering the same spot went downward to a depth of six or seven inches. Dr. E.A. Veach, the coroner, performed an autopsy on the body and found no glass in the wound. This fact caused him to have questions about what actually happened.

The evening of the incident began with several people gathering around the courthouse lawn, including Everett Latham, Helen Pickens, William Latham, Margaret and Wallace Kelley. Kelley had brought a bottle of gin and offered it to the two girls who drank some of it. Later, some of the group went to the Latham house that included Margaret, Helen Pickens and Wallace Kelley. Those who attended the inquest testified that Margaret was intoxicated at that time.

Kelley said that when he started home, Margaret tried to keep him from going; she even walked up the street with him and asked him if she could go home with him. When he refused to take her, she slapped him and tore his shirt in a scuffle.

Everett Latham had followed the two up the street and when he came upon them, he said he would take Margaret back home. The two went their way and Kelley went to his home in another part of town. Latham said that when they returned to her home, Margaret walked through the house toward the parlor, and in doing so, fell against the door. She went on into the kitchen and then returned down the hall where she fell and Everett could see blood spurting from her breast.

Everett then went to get Dr. Veach who lived only a block from the house. Dr. Veach asked if she was badly injured and Everett said he didn't know. The doctor then said to bring her to his office where he could take care of her. Everett went back to the house and saw that Margaret was dying. He returned to Dr. Veach's office and said that she could not be moved. Veach then went to the house and saw that she had died.

The Coroner's Jury examined the evidence and found that a piece of glass could not have caused the wound. They also found evidence that blood drops were on the sidewalk going toward Margaret's house for almost a block. They examined the front door and found that if she had fallen against it, the broken glass would have ranged upward instead of downward, penetrating the heart. Some witnesses stated that she had fallen against the door with her right arm, breaking the glass with her right hand, which was on the opposite side where the wound was located.

Wallace Kelley was suspected and asked to produce a pocket knife that he had carried. Dr. Veach looked at it and tried to determine if it had any blood on it but it showed little or no indications of it.

The Coroner's Jury heard evidence until about 3:30 Wednesday afternoon. They deliberated for about thirty minutes and came back with a verdict that Margaret Latham Simmons had died of a wound penetrating the heart caused by a sharp instrument. The wound being inflicted by an unknown person. The jury was not satisfied with the truthfulness of the testimony that they had heard and left the verdict open for future investigation.

The Illinois Bureau of Investigation was called into the case. William Robert Walker was the investigator from that agency that came to Vienna. Sheriff Dave George had invited him to help in the case by bringing a poly-

graph, or lie detector, to help in the inquiry of events that caused the death. Murder was highly suspected with most, if not all, of the witnesses helping to cover up the truth of what happened.

Everett Latham, Helen Pickens and Wallace Kelley were given polygraph examinations by a professional operator, William Abernathy. No information was immediately available as to whether anyone had passed or failed, but Everett Latham was returned to jail where he had been held.

Sheriff Dave George made a more thorough investigation into the case and found that William Latham and Helen Pickens had been sitting in a porch swing at Margaret's house. He surmised that Everett and Margaret were in her room when she walked to the front door and that is when he thought the stabbing occurred. She then fell against the door and broke the glass. William Latham said that before the doctor arrived, he took Helen Pickens to her home on the hill south of town.

Two indictments for murder were issued by the Johnson County Grand Jury on August 19, 1946. Helen Pickens and William Latham were charged with murder. After the indictments were issued, Sheriff George made further investigation by questioning Helen Pickens again while she was being held in the jail at Metropolis. His questioning was intended to get a confession from her. The Sheriff had ordered that she not be able to see anyone during her incarceration. She had asked to talk to her uncle, Marvin Pickens, so the Sheriff took him with him when he went to question her. He found from the questioning that Helen did not kill Margaret Simmons but she said she was ready to take the rap. She said she did not see the stabbing. She said that Margaret fell against the dresser in her room where she had been sitting on a bed with Everett Latham before she came into the hall and fell against the glass paneled door and broke the glass.

Another indictment for murder was issued for Everett Latham for murder. His indictment came on September 20, 1946. Court details are not available but Helen Pickens' case was dismissed on September 18, 1946. No mention of the William Latham's case can be found in the records.

Everett Latham was allowed to plead guilty to the lesser charge of manslaughter on September 23, 1946 and he was sentenced to the Illinois State Penitentiary for one to fourteen years.

A document from State's Attorney Charles J. Huffman was entered into the Court record on the same date that he was sentenced. No information is available as to the effect this document had on the Court. The information in the document follows:

#### OFFICIAL STATEMENT OF FACTS

The People of the State of Illinois

vs

No. 17 – Manslaughter

Everett Latham, Defendant

The above named defendant on the night of July 23, 1946 at about 11 o'clock p.m., stabbed one Margaret Simmons at her home in Vienna, Illinois, from which wound the said Margaret Simmons died in a few minutes. On that said day a number of colored people had congregated at the home of Margaret Simmons, in Vienna, Illinois, and had been drinking rather heavily and the defendant and Margaret



Simmons were intoxicated. Just why the defendant stabbed the deceased was never definitely shown but it is very likely that the defendant was jealous of the deceased and another negro.

The defendant has never been convicted of any crime heretofore and has been a reasonably good colored citizen of this county all of his life. He was in the military service of the United States but had been discharged some months before this killing

Dated this 23rd day of September 1946.

Chas. J. Huffman, State's Attorney

Margaret Latham Simmons was buried on Sunday following her death with funeral services at the Colored Baptist Church. She was buried at the Rose Hill Cemetery.

One note concerning the reported evidence – No explanation was given for the blood trail that was found on the sidewalk outside Margaret's home.

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### **1947 – MURDER AT FLATWOODS** **Burel Shrum killed Margaret Radford**

In the Flatwoods community, about a mile and a half northwest of the Flatwoods School, lived Quenton and Margaret Radford, both in their sixties. Near to them lived Hughie Shrum, his wife and his daughter and two sons, Wayne and Burel. All these people were the old fashioned type that helped one another when the need arose.

Quenton Radford needed to go to Robbs on January 11, 1947 to do their Saturday trading. Because he had been ill, his wife Margaret said that he should get Hughie Shrum, their neighbor, to go with him, which he did. The car that Radford owned needed some repair before he and Shrum could make the trip to Robbs, so they spent the morning repairing it. About 11:30, Margaret called them to come in and eat lunch and they did so. When they had finished, Quenton gathered up an egg case and a can of cream and he and Hughie and Hughie's son, Wayne, went to Robbs.

When they returned, they had another man with them, Robert Lauderdale. They stopped by the Shrum home first and Wayne got out of the car and carried the Shrum's groceries into their house. The three remaining men went on toward the Radford home. The car stalled on the hill getting to the house and they had to push it to get it up the hill. By that time, it is fortunate that Hughie's son, Burel, had shown up and helped to get the car over the hill.

When they got to the Radford home, the three unloaded some bags of feed and then Radford and Shrum went into the house. Shrum discovered Margaret Radford lying on the floor near the rear door of the kitchen. Radford turned her over and raised her head and discovered that she was dead and there had been foul play in her death. There was a rabbit frying on the stove and the fire was hot so it was evident that she had not been dead long. She had been shot and beaten.

Sheriff Frank Mount was called and he and State's Attorney Charles Huffman went to the scene. They found that the murder had occurred just previous to Radford and Shrum's return from Robbs. They found that Burel Shrum was the only male person known to be near the house at the time of the murder. Other families who lived nearby had been away from their homes on Saturday. Burel said that he had been cutting wood during the day and that he had returned to their home several times during that day and his mother could verify that.

When Radford was questioned, they found that the only thing missing from the house was a .22 caliber pistol that Radford knew had been there on the morning that he went to Robbs. Sheriff Mount requested aid from the State Bureau of Investigation and they sent two of their people, who arrived on the following Tuesday, to assist.

Hughie Shrum and Burel Shrum were suspects in the murder and when State Investigator William Abernathy arrived they were given a polygraph, or lie detector examination and they were held for further questioning. They were taken to the Massac County jail because the jail at Vienna was under repairs. On the following Wednesday morning, Sheriff Mount went to get them and bring them back to Vienna. As they returned, Mount began questioning them and made the suggestion that if either of them were guilty, it would be better to confess rather than put innocent people under suspicion any longer.

Burel Shrum waited until they were almost to Vienna when he told the Sheriff that it was he that murdered Margaret Radford. He said that he was cutting wood nearby and he went into the Radford home by the front door. He knew where the .22 caliber pistol was and the ammo, so he loaded the gun quietly and then opened the kitchen door where he found Mrs. Radford ironing. Shrum told her he wanted their money and she said that her husband had all the money with him. Mrs. Radford seemed unexcited about the gun pointed toward her and bent over to get more clothing out of the basket when Shrum shot her. She screamed and fell to the floor. When she tried to rise, Shrum hit her on the head with the barrel of the gun. She fell again and he hit her in the head a second time with the butt of the pistol.

When Shrum saw that she was dead, he went into the living room and got the holster and belt for the gun and went out the back door, and as he was passing the pond, he threw the gun in there. As he was going back to his house he heard the Radford car that was having trouble making it up the hill. He came out of the woods which he had traveled through and helped push the car over the hill.

Burel Shrum was taken before State's Attorney Huffman and signed a confession to the murder. As the investigation went forward, Burel Shrum as well as his father, Hughie Shrum, and the murdered woman's husband, Quenton E. Radford, were held for questioning by the Coroner's Jury. The inquest was set for Thursday following the Saturday murder.

During the inquest, the state's attorney asked if others might be involved in the murder. Burel Shrum then told the jury that Mr. Radford had given him \$2,000 to murder his wife. He said that his father, Hughie, had no part in it. Shrum said that Radford had talked to him several months before, af-

ter he, Shrum, had just gotten out of the State Prison at Vandalia for stealing a car in Pulaski County. He said that he had seen Radford that morning and was told that since all the neighbors would be away, that was the day to do it. Shrum said that he went to the Radford home at about 3:00 o'clock in the afternoon to murder Mrs. Radford.

When questioned, both Hughie Shrum and Radford denied any involvement. They were questioned separately, both for about three hours each and maintained their innocence. Quenton Radford said that he had been ill and needed his wife to take care of him.

At the end of the day of questioning, Hughie and Burel Shrum were taken back to Metropolis to be held in jail. Radford was permitted to be free until after his wife's funeral. After the funeral on Friday, Radford was jailed at Metropolis.

In the meantime, the pond belonging to Quenton Radford was drained and several people, using pitch forks and rakes helped to drag through the mud in search of the gun that Burel Shrum said he tossed into it. At the end of their unsuccessful search, it was determined that the gun had not been thrown into the pond.

Going to Metropolis, Sheriff Mount questioned Hughie Shrum and Radford again. Burel was brought into the room where Hughie was and asked if he stuck by his statements and he said that everything had happened just as he said. Hughie Shrum told Burel that he was lying. After Hughie was returned to his cell, the sheriff questioned Burel again about what he did with the gun. After sticking to his story about throwing the gun in the pond for a while, he changed and gave the sheriff information that he had hidden the gun and told him where it was.

Knowing that Burel had already lied to him about the gun, Sheriff Mount questioned him into the night. Then Burel changed his story and said that his father and Radford had not been involved. He said that after confessing to the murder, he thought if others were also charged that it would make it lighter on him. The three men in jail had no opportunity to talk to one another except the one time when Sheriff Mount brought the father and son together. Because of this, it was thought that no pressure had been brought upon Burel Shrum to confess.

Burel Shrum was then taken back to Vienna and given another lie detector examination and during the questioning, the fact that he, alone, was responsible for the murder was determined. It was reported that the lie detector exam confirmed that this time he was telling the truth.

Burel Shrum was indicted for murder by a Johnson County Grand Jury. When he was brought to Court, he said that he did not need an attorney and made a plea of guilty. When told of the consequences of his plea, he again said that he needed no attorney and that his plea was guilty. A statement of facts was entered into the record, signed by State's Attorney, Charles J. Huffman and Circuit Judge Lloyd M. Bradley. That statement reads:

On the 11th day of January, A.D. 1947, at and within the County of Johnson and State of Illinois, Burel Shrum, the defendant, was cutting wood in a woods near his home, which also was near the home of Margaret Radford. He knew that Margaret Radford was at home by herself and



also knew that the two Mott families who lived near there was also gone from home. He went to the home of Margaret Radford and entered the front door which was unlocked and procured a 22 caliber target pistol which was lying on a suit case in a shelf on the north side of the front room.

Margaret Radford was in the kitchen doing some ironing. He loaded the pistol and went into the kitchen and demanded to know where her money was, and she told him that her husband had it all with him. The defendant knew that her husband, Q.E. Radford, had gone to Robbs, Illinois, to get some groceries. He then shot her while she was stooped over picking up some clothes to iron. She fell to the floor and started to get up when he struck her on the forehead with the pistol barrel. That knocked her down and she started to get up again when he struck her with the butt of the pistol on the back part of the top of her head. She again fell to the floor and died immediately. After he had killed her he got scared and did not look for the money but ran out of the house at the south kitchen door and went to his home which was about three-eighths of a mile from the Radford home. A few minutes after he arrived at his home he decided to go and get the cows which were in a pasture north of his house. When he got over to the public highway running east and west he heard someone on a hill just east of the end of the lane which leads to his home who appeared to be stuck on the hill in an automobile. He thought it was his father, Huey Shrum, and Q.E. Radford, returning from the store and he found it was them. He helped push them up the hill and took some groceries out of the automobile to his home. He went down to the Radford home that evening and did up the chores, feeding his stock, etc.

Dated at Vienna, Johnson County, Illinois, this 1st day of February, A.D. 1947.

Burel Shrum, 23, was sentenced to 199 years in the Illinois State Penitentiary at Menard for the murder of Margaret Radford, age 61 at her home in the Flatwoods community.

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### **1952 – MURDERED SALESMAN – aka THE CURVE INN MURDER Pennington & Brown charged with murder of Harry M. Canada**

A Johnson County Grand Jury made an indictment against Taylor Pennington and Cloyd Brown, Jr. for the murder of Harry H. Canada; the murder occurring on January 17, 1952. It had been four years since Johnson County had dealt with a murder and that was a local man who killed a local woman. The 1951 case was different because the victim was a salesman who intended to spend the night in Vienna while passing through the area.

The case is a difficult one and has far reaching implications into the world of organized crime and involved a local establishment of notoriety known as the Curve Inn located south of Buncombe. To tell the whole story it will be necessary to go back to visit remnants of the Shelton Gang that terrorized Southern Illinois more than three decades earlier.

In June 1950, the surviving remnants of the Shelton Gang were planning a big funeral at Fairfield, Illinois, for sixty-five year old Roy Shelton who

had been shot from ambush while riding a tractor in his field. The Sheltons gathered at the Dixon-Crippen Undertaking Parlor to plan a funeral as big as that of Carl Shelton who had been shot from ambush on October 23, 1947. Brother Bernie Shelton had also been shot from ambush on July 26, 1948. Big Earl Shelton had been twice wounded about a year before Roy was killed. Little Earl Shelton, a nephew, had lived through two assassination attempts.

While the Sheltons were planning the funeral for Roy, one of the in-laws was arrested on a charge of operating a gambling establishment, the Twin Pines Club, and telling two people that had won \$150, that they could not leave or they would get beaten. They had to stay and play. It was the old adage that winners couldn't leave. His name was Guy Pennington, husband of Lulu Shelton, a sister of the five elder Shelton brothers. He was released on bond but while he was in jail, he told a deputy sheriff that, "I think the Pond Creekers will get me. It looks like they're going to wipe out all of us." Pond Creek is a rural area outside of Fairfield. Pennington would not identify who he thought it was that would attempt to kill them all.

Pond Creek was the area where the Sheltons lived and it was them that Pennington was referring to. The Penningtons were in a feud with the Sheltons and they were suspected of killing Roy Shelton. Guy Pennington, even though his wife was a sister to the Sheltons, was on the opposite side and feared for his life. The Sheltons had bombed a roadhouse owned by the Penningtons a year previous. After the murder of Roy Shelton, State Police searched Guy Pennington's house for a murder weapon, a repeating rifle.

The Pennington family consisted of three brothers, Guy, the husband of Lulu Shelton; Ogie, who had several times been involved in illegal activity and was, in 1951, waiting to be tried on a charge of murder; and finally, Taylor Pennington, accused of murder in Johnson County in 1952.

The first of the Penningtons mentioned here is Guy, the husband of Lulu Shelton. In June 1951, he and his wife Lulu were ambushed as they drove on a street in Fairfield. They were driving a black 1950 Mercury as another car pulled in front of them and blocked their way. Two men jumped from the other car and fired several rounds with machine guns into their car. For persons who have seen gangster movies, the scene at Fairfield would be reminiscent of the machine gun shootings into vehicles in those movies. The Penningtons were wounded several times but neither were killed. With the number of bullets fired into the car, it seemed nearly miraculous that they survived. Guy had at least three gunshots in his side and Lulu was shot more than four times. The perpetrator was Charlie "Blackie" Harris, a one-time Shelton associate. Charlie Harris spent time as a prisoner at the Vienna Correctional Center on a charge of murdering his girlfriend in later years.

As Guy Pennington and his wife were being gunned down, Ogie Pennington, brother to Guy, was following in another vehicle and escaped. A few hours later, a man by the name of Louis Sons was killed while in a roadhouse owned by Ogie Pennington. It was assumed that Louis Sons was mistaken for Ogie Pennington. The roadhouse was then burned to the ground.

Louis Sons was also a witness to the machinegunning of Guy and Lulu Pennington. Ogie Pennington's three room tavern, or roadhouse, where Sons was murdered was in a dry county and had been watched by officials for quite some time.

During July, the two Penningtons that were shot in Fairfield, along with the other Sheltons, left town and could not be found. Blackie Harris's attorney got a dismissal of charges because none of the witnesses could be found, he was awarded by Harris's release with all charges dropped.

In August 1951, Ogie Pennington was indicted for the murder of Louis Sons. Pennington was also charged with perjury and with bootlegging.

In January 1952, the third of the Pennington brothers was arrested for murder. This murder, as described at the beginning of this narrative, was committed on January 17, 1952.

A Kansas City publisher by the name of Harry Canada, age 61, was found murdered in a Vienna motel room. Taylor Pennington had been identified as being involved in the murder early in the investigation. It became known almost immediately that Pennington was related to the Shelton Clan of Fairfield.

Pennington had been picked up for questioning because he was thought to be the masked man that shot Harry Canada three times with a .25 caliber handgun. He did this in the presence of Mrs. C.A. Gaard, a 48 year old woman who had been traveling with Canada. She stated that the masked man came into the room that they occupied about 2:15 A.M. and demanded "our diamond rings." When Canada resisted, the masked gunman shot at him five times with three striking Canada in the chest.

The woman claimed to have recognized the man's voice as Pennington. Canada and herself had been drinking with Pennington earlier in the evening after meeting him at his tavern. Other witnesses said that they saw Pennington and another man driving nearby about the time of the murder. Pennington was arrested and held until an inquest could be held.

By January 19th, the second man, Cloyd Brown, had been picked up in connection with the murder. When the Coroner's inquest was held, Mrs. Gaard testified that she and Canada had been drinking with Pennington and Cloyd Brown, Jr. at the Curve Inn on the night before they were attacked in their hotel room. She said that Brown was the one that drove the getaway car. Mrs. Gaard said that Pennington had made arrangements for them to spend the night at the cabin type motel south of Vienna on the hill, so he knew where they were.

Immediately after being arrested, Pennington and Brown attempted to get a change of venue because they believed they could not get a fair trial in Johnson County. Pennington and the Curve Inn, his roadhouse, were well-known in the area courts. In March, 1950, less than a year previous, Pennington, who owned a tavern in Mt. Vernon at that time, was arrested and his tavern license taken away because of an incident there where he had assaulted another man with a deadly weapon.

The change of venue was denied and Sheriff Dave George, intending to keep them separated had to take Brown to Williamson County and Pennington to Massac County to keep them in jail. Their trial was begun in April of



1952. Mrs. Gaard testified that it was Pennington who shot Canada and Brown was the one that drove the getaway car. During the trial, the courtroom was filled to capacity with spectators. There had not been a murder trial in Johnson County for a number of years and the curious were present in abundance.

Pennington's wife testified that he could not have committed the murder because he had drank so much that she had to put him to bed on the night of the murder. The man and his wife who were attendants at the jail at the time of the arrest, testified that Mrs. Gaard was intoxicated when she was brought there. They testified that Mrs. Gaard had first said that she did not know who had shot Canada.

When the jury returned with a verdict on April 20, 1952, it was a split decision. Concerning Cloyd Brown, the verdict was: "We the jury find the defendant Cloyd Brown, Jr. not guilty." They then announced that they had no verdict concerning Pennington. The jury was deadlocked. Pennington's attorney, Sidney Ward, said later that prejudice in the community against Pennington prevented an acquittal verdict in his case.

Pennington's retrial was set for August. He was released on bail during the intervening time. On the day before the second trial began, Pennington was treated at the Herrin Hospital for a five inch knife wound in the abdomen. The wound was superficial so it posed no real danger. Neither the Williamson County nor the Johnson County Sheriff's office was notified to investigate the knifing. Sheriff D.E. George of Johnson County said, "They have trouble there about every night, but they never call me up."

The August trial was delayed until November but when that time came, it was delayed again. During November, Mrs. Josephine Pennington, Taylor Pennington's wife, and owner of the Curve Inn, was sued for \$8000 under the Illinois Dram Shop Act. Mrs. Gertie Craig of Goreville charged that Mrs. Pennington sold liquor to her husband and as a result he was arrested for drunken driving and sentenced to the Vandalia State Penal Farm. Mrs. Craig brought the suit on behalf of her children. By the end of November, a jury found Josephine Pennington at fault and awarded Mrs. Craig \$150 and \$100 to each of her seven children.

Still waiting for a second trial, Taylor Pennington was allowed to go free on bond. During the time following the trial, he and the Curve Inn became more familiar with the Courts of Johnson County. In April 1953, the Penningtons were charged with possession of a slot machine, operating a dice game and selling liquor to a minor. They made a plea of guilty and paid a fine of \$508.

In May 1956, while still waiting a trial date, Taylor Pennington was charged with keeping a disorderly house at the Curve Inn. In the early days of the Courts, certain terms were not used. Keeping a disorderly house was used rather than operating a house of prostitution. While the Courts used the phrase "a disorderly house," the common vernacular called it a "whore house." Two women were arrested and charged with being inmates, Sue Taylor, 30, and Sherry Miller, 22, both giving their addresses as Buncombe. They made a guilty plea and were fine \$100 each and costs. Pennington said that he was not guilty. In a sting, two State Policemen entered the tav-

ern disguised as fishermen. Appearing to be staying a while, they were eventually solicited by the two women.

On September 27, 1957, a raid by State Police found a woman by the name of Carol Gordon of Chicago in the business of prostitution at the Curve Inn. She and Josephine Pennington, owner of the Curve Inn, were arrested and fined. The woman who identified herself as Carol Gordon was arrested again in a State Police raid of the Curve Inn in October 1957. This time, she said her name was Doris Wilson. Josephine Pennington was again arrested for running a house of ill fame, or in the popular vernacular, a "whore house." Another woman by the name of Betty Smith of Springfield was arrested in the October raid. All three were fined after a guilty plea, Pennington and Wilson fined twice.

In December 1957, the Illinois Liquor Control Commission ordered that the liquor license of the Curve Inn be revoked. Mrs. Pennington was charged with violating the Liquor Control Act. Mrs. Pennington's attorney, Sidney Ward, the same attorney Taylor Pennington used in his murder trial, said that the denial of a liquor license to Mrs. Pennington was unconstitutional because it deprived her of her legal rights.

By 1959, the Penningtons were back in business at the Curve Inn. In February 1959, four people pleaded innocent to vice charges brought by another raid of the State Police and Johnson County authorities. Taylor Pennington, then age 50, and Josephine Pennington, age 49, were charged with operating a "disorderly house." Also arrested as inmates (prostitutes) were Katherine Moran, age 31 and Mary Peters, age 33. State Police Capt. Elza Brantley and Johnson County Sheriff Glenn Dallas led the raid.

The Curve Inn had been raided a total of five times in two years. As a result of the latest raid, the Johnson County State's Attorney asked the Circuit Court to put a padlock on the Curve Inn for one year. Judge Harold L. Zimmerman ordered that the tavern and surrounding cabins be placed in the courts custody. In the end, the Curve Inn was closed for 30 days. The 30 day closure was granted against Josephine and Taylor Pennington, Andrew Carter and Jennie Springer, daughter of the Penningtons.

Also involved in the case was an adjacent tavern owned by Pennington's son-in-law, Eugene Springer. He agreed to sell his place before July 1 when his liquor license would expire. Springer had been arrested on the night of the Curve Inn raid for selling liquor to minors.

By late April 1959, the Court had placed a closure on the Curve Inn for one year. In July 1959, a jury trial was held for Max Ladd, charged with operating the Mardi Gras Tavern without a liquor license. The Mardi Gras was adjacent to the Curve Inn. Taylor Pennington, operator of the Curve Inn, also owned the Mardi Gras, and he was also charged.

In August, the Mardi Gras was sold to Frank Bond, owner of a Mt. Vernon business. With the purchase, the ban on anyone connected with the Penningtons, obtaining a liquor license there, was lifted.

In June 1960, the Taylor Pennington property had been sold to new owners. The new owners were Max A. Waiz of Brooklyn, Michigan; Paul C. Snyder of Tecumseh, Michigan; and Daniel E. Reed of Chicago. The new owners said they would be trying to get rid of the name, "Curve Inn."

The last that was heard of Taylor Pennington was that he operated a hotel in Oklahoma. The case of the People vs. Taylor Pennington for the murder of Harry Canada was never again brought up.

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### 1954 – MURDER OF MAGGIE GRAY IN VIENNA

**Thomas Lee Latham & Ardell Johnson charged**

At an early hour on August 2, 1954, a man walked up to the back door of a house in the south part of Vienna and cut a hole in the screen door and reached in and unhooked the latch. He entered and went directly to a closet and lifted a pile of quilts where Mrs. Maggie Gray kept a box which contained \$190. He seemed to know exactly where to go when he entered the home. He took the money and then went to the room where an eighteen year old girl was sleeping. She had gone to her grandmother's home to spend the night with her. Waking her, the man demanded that she remove her night clothes. The girl had invited no one to her room and a strange man had awakened her at 4:30 in the morning. She fought the intruder off, throwing an ink bottle at him which broke when it hit. The man then threw her on the bed and attempted to smother her screams by placing a pillow over her face.

The grandmother, 82 year old Maggie Gray, was awakened by the scream of her granddaughter and she immediately went to see what the cause was. When she entered the room, she was attacked and knocked down and beaten. With both women screaming, the intruder began to beat both of them alternately to quiet them. Maggie Gray was severely injured from the beating she suffered.

Neighbors, Orlan Cox and wife, were awakened by the screams. They telephoned the son of the older woman, Charlie Gray, and told him that something bad was going on at his mother's house. Dressing quickly, he and his sons went to the house only a short distance away. Whether the intruder saw them coming or whether he was frightened by the now uncontrollable situation that he found himself in, he exited quickly through a locked screen door, destroying it. One of the boys saw the intruder and chased after him, throwing rocks in an attempt to take some sort of revenge on him. He was, however, unsuccessful.

The granddaughter later said that during the attack, there was another man that walked back and forth across the back porch during the whole time. She recognized him as being a negro, the same as the man that had intruded and attempted to rape her and later had beaten her grandmother severely.

The girl was taken to the office of Dr. Wakefield where he examined her and then had her sent to the Anna City Hospital. She had been beaten about the face and head, receiving cuts and bruises and both eyes were injured. The elder woman, Maggie Gray, was taken to Dr. Veach's office where she received treatment for her injuries. She was then taken to the home of her son Ted Gray to be cared for there. Her wounds consisted of injuries about the face and head but hers were more severe. She had also received kicks



from the intruder who left his foot print on her stomach where he had stomped on her. Her injuries were so severe that it was assumed that she would not live.

When questioned, both women said that the intruder was Thomas Lee Latham. Charlie Gray and his sons, who arrived as the intruder was escaping, also identified him. Latham already had a record, only being released June 24, 1953, just a little over a year earlier from the Illinois State Penitentiary at Chester.

Deputy Sheriff Bob Hook, State Policeman Marion Troutt and Bill Jeffrey knew where to find Latham and they went immediately to the hill south of town where he lived. The place had a road leading to it that was at the south end of seventh street where it crossed a bridge and then across a low ground to the hill. The remnants of the bridge are still visible today but the road no longer goes past the end of Seventh Street. Locals, in 1954, called the place "nigger hill," but publicly referred to it as "the hill south of town."

The officials went directly to Latham's house where his brother, Herbert, and Mary Pickens lived. Mary said that Latham had been there but quickly grabbed some things and left. From an unknown source, it was learned that Latham had been taken away from the area by another person. Frank Murrell was questioned by Hook and Trout and he said that Thomas Latham's brother, Herbert, had paid him to take Thomas to the home of a friend, Buddy Worlds, living between Grand Chain and Olmsted in a community known as Levings. Murrell was jailed for his participation in Latham's escape.

The three officials went to Levings and learned that Latham had been taken to Mound City by Worlds to catch a bus to Cairo. Worlds told the three that Latham said he had been in a fight with a white man and he had to get away. By the time they became aware of this, Latham had already left on the bus from Mound City.

With help from Cairo Police, they learned that Latham had possibly gone to the home of a relative of Buddy Worlds. Locating the house, the Johnson County officers and Cairo Police surrounded the house before anyone went in. They found Latham there and arrested him without resistance.

When Latham was questioned, he answered every question with "I don't know" or "I don't remember." Searching him, they found that he had \$10 in money on him. He also had blood on his underwear and had ink stains on his arm.

The news of the incident made its rounds early Tuesday morning so it seemed the whole town knew about it. Outrage at Latham was at a high level so he was taken to the Massac County jail for fear that someone would harm him if he were brought back to Vienna.

Latham failed to make bail when he was brought before a Justice of the Peace and charged, so he remained in the Massac jail. Sheriff David E. George, State's Attorney Donald B. Mitchell, and Deputy Sheriff Robert Hook were present when Latham confessed to the incident and the following charges were brought against him: assault with intent to rape, robbery and assault with intent to murder. Frank Murrell and Herbert Latham were in jail for aiding Latham's escape.

The other man involved, Ardell "Spike" Johnson, did not escape notice. He was arrested and also charged with the same crimes as Latham because he was present at the time but he was taken to the Williamson County jail.

Sheriff George requested assistance from the Illinois Bureau of Identification and Investigation, who sent two men with a lie detector. They went to Massac County where Latham submitted to the test. Frank Murrell, Herbert Latham and Ardell "Spike" Johnson were also tested. The evidence from all the tests was held for the Grand Jury.

Nine days after being severely beaten, Mrs. Maggie Gray died of her injuries. Her body was taken to a funeral home in Marion where an autopsy was performed. After which, her body was returned to the Robertson Funeral Home in Vienna.

A Coroner's inquest was begun on the Saturday morning following the death of Mrs. Gray. Charlie Gray told of how he found out about the intrusion as it was happening and his response with his two sons. He said that he saw Thomas Lee Latham escaping. Other neighbors who had been awakened, testified that it was Latham they saw leaving the house. The autopsy results indicated that Mrs. Gray had died from the beating she had received with several lacerations and bruises and several ribs broken. From the beating, she had developed pneumonia and other internal injuries.

Frank Murrell, age 40, entered a plea of guilty to his participation in Latham's escape. He was sentenced to one year, eleven months and twenty-nine days in the State Penitentiary at Menard and was fined \$500.

Thomas Lee Latham and Ardell "Spike" Johnson were indicted for murder on August 16, 1954, by a Johnson County Grand Jury. Latham was brought back to Vienna to appear on Tuesday, August 31 for a preliminary hearing. He had been taken to the most secure place in the Johnson County jail, the upstairs women's cell, which was a single cell. After locking the door, Hook left. Two hours later, the jailer's wife and another woman were visiting. One of the children said she heard the front screen door off the building slam shut. He looked out and saw a man that looked like Latham walking from the jail house.

Latham then walked east on the street running in front of the jail and waved to Carl Sanders as he passed his house. Sanders later said that he saw Latham leave the jail through the front door and thought some officer might follow him, but seeing none, he then realized that Latham had escaped. Another man, Earl Hilburn, said he saw Latham go between two vacant houses and go into some tall weed heading south.

Sheriff George, after being notified, formed a posse of about fifty men and boys, most of them armed. They searched the woods and fields to the south of Vienna until about 4:30 in the afternoon. Roadblocks were set up throughout the area and manned through the night. The Brookport Bridge across the Ohio River was patrolled as well as both bridges at Cairo. Deserted buildings and freight trains were searched and an air search was conducted by two airplanes, but no trace of Latham could be found. Three bloodhounds from the Vandalia Prison were brought into the search but failed also. The dog handlers said the dogs picked up his trail once but lost

it. They reported that the reason was because too many people had walked across the area.

Inspecting the cell where Latham had escaped from, no clue was found to discover how he could have gotten it open. Even if he had a key, he could not have opened the door from the inside, ruling out his being able to pick the lock.

People who remember the escape and the subsequent hunt suggest that the search was an exciting time. With Latham in jail, no vigilante action could be taken against him, but an escaped murderer has a target on his back.

On the afternoon of September 6th, Labor Day, a posse of men surrounded "the hill south of town." Sheriff George had received a tip that Latham was there. As a posse surrounded the place, Latham slipped through their lines and again escaped. Sheriff George said he heard Latham in the honeysuckle vines and he turned to see Latham fleeing. The Sheriff fired two shots at him but didn't hit him. Latham ran east toward Rt. 45 where few of the posse was located. The posse then went onto another area about a mile away where they thought Latham had gone.

Latham was next said to be in a corn field near the Big Four Railroad. Two men went down the tracks and met a northbound freight train. Waiting for the train to pass, they were on the east side of the track. When the train had passed, they saw Latham standing near the tracks on the opposite side. One of the men called for Latham to stop and fired two shots from a small caliber automatic rifle. The other man fired at Latham who was by then about 100 yards ahead of them, failing to hit him. It appeared that Latham had thought about catching the north bound freight train but it was too fast for him to attempt it.

By that time, the posse had grown to between 100 and 150 men and boys. They combed the area but did not find him. They ranged all the way to Ballowe Road and then to the railroad bridge south of town on Rt. 45. The group saw Latham rise up out of the weeds and one member shot at him three times, missing again. As night came, the posse continued to search for the fugitive but to no avail.

Earlier in the day, Monday, after the posse had surrounded the hill where Latham was believed to have been and he was seen escaping, fire broke out in the homes and all the remaining buildings that still stood on there were burned. One of those was the home where Thomas Lee Latham lived, another was where Mrs. Fred Compton lived, and another was occupied by Marie Pickens and her children, and also the home of Frank Murrell who had been sentenced to aiding Latham to escape.

It was thought at the time, that someone of the posse had been careless with a cigarette, causing the fire. County officials and State Police investigated and found the fire to be arson. There was no evidence that a careless grass fire could have reached all the houses, maybe one, but not all of them. It soon became evident that the houses were deliberately burned.

County officials and Vienna City officials determined that the people who lived on the hill should be compensated for their losses.



The next morning, officials continued to search for him. A false report sent them to Grand Chain where it was reported Latham was seen. By the end of the day, it was realized that Latham was not going to be found easily.

On the Friday following Latham's escape from the Sheriff's posse, a farmer living near Lick Creek said that he saw him in an old abandoned house near where he lived. Officials responded and the farmer said that as he went into the building where he had stored oats, a large negro struck at him. When the officials showed the farmer a picture of Latham, he said that was the man he saw. A posse of several men went to the area and searched until midnight, finding no one.

The next week, on Wednesday, September 8th, Steve Mathis took his wife to their grocery store in Vienna where she would be working. He was intending to work around their farm for about a half a day before he would be there to help her. When he returned home and went into the living room and changed into his work shoes, he looked up and there was Thomas Lee Latham standing in the doorway of their bedroom. He was holding Mathis's 410 gauge shotgun in his hands and Mathis could tell by his bulging pockets that they were loaded with ammunition. They spoke greetings, Mathis saying, "Howdy Thomas." Latham returned with, "Howdy Mr. Mathis."

After some small talk, Latham said, "Well, Mr. Mathis, I guess I will have to tie you up." Mathis said, "Now Thomas, I have known you all your life. I knew your father and mother. In fact, I lived close to you a number of years, and I never thought that you would do what you did. I think you were just drinking and that gets a lot of people in trouble. Why don't you give yourself up?" Mathis tried to convince Latham that if he continued to be a fugitive, it would only cause trouble for others, reminding him of the fire that destroyed the houses on the hill. Latham said that he was afraid that somebody would shoot him if he gave himself up and he again told Mathis that he needed to tie him up.

Latham said that he had thought about giving himself up and thought he might do it that night. He said he needed to tie up Mathis so he could leave. Mathis told him that he couldn't be tied up in the house all day, he had work to do. Mathis then told Latham that he had a plan.

"Why don't you stay in the house today and I'll go about my work outside on the farm and when night comes, I'll go get Sheriff Dave George and bring him out here and he can take you away?" After Latham thought about it, he agreed. Mathis told him to stay away from the windows and that he could go to the kitchen and get some breakfast. Mathis then went to the barn and worked until about 11:00 o'clock, stopping when Lloyd Gillespie came by. Mathis went out to talk to Gillespie and told him that Latham was in the house and that he had promised to give himself up that night. He told Gillespie to go to Vienna and tell the sheriff to come out and Latham would be there.

Gillespie, on his way to the sheriff's office, saw some state policemen and told them. They called the state's attorney, Donald Mitchell. By the time Gillespie had gotten to the sheriff's office, the state police were headed toward Mathis's farm. Soon the Mathis house was surrounded and Mathis saw what was happening. He told the officers that Latham had promised to

give himself up and warned them to be careful because Latham had a shotgun in the house. Mathis said that he would go in and get Latham.

When he went in the back door, Latham was excited and scared. Mathis told him not to resist or they would shoot him. Latham was scared he would be shot if he was arrested. Mathis told him that he would not. He said, "Just walk by my side out that door, around to the front of the house and to the officers and no one will harm you." Latham followed Mathis out the door to the officers where they put hand cuffs on him and drove him away.

After his arrest, Latham told about his experiences during the days that he was a fugitive. He said that when he walked out of the jail, he went to the hill where he lived and then turned and went toward Hell's Neck or the Oak Grove community, following the creek when he could. He said that as night started coming on, he worked himself back toward the Big Four Railroad staying east of Rt. 45. He said that he then went to the loft of the Vienna Hatchery. He said he stayed there from Wednesday night until Saturday morning. He said that having worked there previously, he knew that no one ever went into the loft. For food, he said that after dark he would come down and get water and eat raw eggs.

After leaving the hatchery, Latham went toward the hill where he lived, staying in the wooded areas. He said that he stayed in the woods on Saturday and Sunday nights. On Monday, he saw Marie Pickens and talked with her for a while. She told him that he needed to give himself up and he said he was afraid he would get shot.

After the sheriff got word that Latham was on the hill. He told how the sheriff was getting near him and he had to rise up and leave. That's when the sheriff fired at him. He told how he had eluded the posse until it got dark. He stayed in the woods until just before daybreak on Tuesday when he crossed over Rt. 45 and stayed in the area where Steve Mathis lived, about 2½ miles south of Vienna. On Wednesday, he slipped into Mathis's house.

When questioned after his arrest, he said that he had been drinking and had smoked two marijuana cigarettes before he went to Maggie Gray's house. When asked how many he could smoke before he felt the effects, he said that some are stronger and some are weak, like smoking regular cigarettes. The two he smoked before going to the Gray house had cost him 50 cents each. He said the best ones are the ones you roll your own. He would not tell where he purchased them.

The day after he gave himself up, Latham went before Judge C. Ross Reynolds. He made a plea of guilty and was sentenced to 180 years.

Ardell "Spike" Johnson made a plea of not guilty. At a later date, on October 12, 1954, he changed his plea to guilty and was sentenced to the Illinois State Penitentiary for his natural life.

In April 1959, Thomas Lee Latham, then 36 years old, filed a petition stating that he did not receive a fair trial. At that time he was in the Stateville Penitentiary at Joliet.

In April 1962, Governor Otto Kerner commuted the life sentence of Ardell Johnson. His sentence was reduced to 27 years. At that time, Johnson had served eight years of his sentence.

**1957 – SHOT BY HIS SON****James William “Bill” Powell, Jr. shot Sr. William “Bill” Powell**

Bill Powell, Jr. told a story of going home, after a night in Vienna. The date was July 1, 1957. He went to the home of his father in Bloomfield, where they both lived. As he got near the house, he heard a shot coming from inside. He hurried to go in the front door and found it locked. Going around to the back door, he found it locked also. Going to a window, he found that he could get through there. When he entered, he found his father lying on the floor between two beds. The elder Powell was bleeding from a wound in the shoulder. He then went to a neighbor's home and called for an ambulance and then notified Dr. Veach.

When Sheriff Orlan Cox arrived, the true story came out. He was able to speak with the father who told him that he was shot by his son. He said that his son did come home after a night in Vienna but he was drunk. When he came into the house, he began telling his father that he had mistreated his mother and began shoving him around. The mother had been dead for several years. The son then shot him.

The sheriff arrested the son and took him to the jail in Vienna. The gun he had used was a .32 caliber semi-auto handgun. When asked whose gun it was, he said that it was his and he even slept with it, keeping it under his pillow. When asked what really happened, the son told the same story as noted above. He admitted that he had been drinking that night. When asked about the truth, he was also asked if he would take a lie detector test and he said that he would.

The older Bill Powell was given treatment by Dr. Veach, then he was taken to the Marion Memorial Hospital. He was wounded in the shoulder, the shot missing his lung and ranging downward. The bullet cut a nerve in his arm which, he was told, might cause him trouble the rest of his life.

Later, when Bill, Jr. was sober, the sheriff asked him again to tell what happened. He said that when he was in Vienna, he had made the rounds of a few taverns in the area and he had been drinking at all of them. The sheriff questioned him further and he admitted that he had shot his father. He said that when he got home, he was arguing with his father and went into his room and got his gun out from under his pillow and shot his father.

He said that after shooting him, he let his father lie on the floor for a while, then he picked him up and put him on the bed. He then went to the neighbor's house and called the ambulance and the doctor.

The younger Powell waived the grand jury indictment and made a plea of guilty to the charge of assault with a deadly weapon with intent to kill. Bill Powell, Jr. was taken before the Circuit Court in early August and was given a sentence of one year in the Vandalia State Penal Farm. The plea was changed to a simple assault with a deadly weapon, dropping the “with intent to kill.” This was done in order to get him to make a guilty plea without going to trial.

The sentencing was not the end of the story. Bill Powell, Sr. filed a suit against four taverns in Vienna for \$20,000. The law he filed under was associated with the dram shop act; Powell's attorney being Jack Williamson.



The four tavern owners were: James Henshaw, Josephine Pennington, Wilburn Thomas and Howard Turner. As a result of the wound, the elder Powell could not continue with his employment because he had lost the use of his right arm.

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## **1960 – MURDERED AND DUMPED ON A COUNTRY ROAD**

### **The unsolved murder of Bunice Tyner**

A twenty year old rural Goreville man, Bryan Bullock, was on his way home from a date on Wednesday night, January 27, 1960. Returning home about 11:00 pm because he had to get up early for work the next day, Bullock saw a 1959 Olds 88 parked alongside the gravel road that he had to pass on his way home. The next morning about 6:00 am, he passed the car, still sitting there, as he was going to work. Returning from work that day, the same car was still sitting beside the road in the same place. It had not been moved.

Curiosity caused Bullock to stop and look at the car. He stepped up to the door of the car and peered through the door glass. In the floor, between the front and back seat, was the body of a man. He did not open the door or investigate further. He immediately went to Goreville and notified Illinois State Trooper, J.W. Jenkins, who lived there. Jenkins then radioed Sheriff Glenn Dallas and they both went there to investigate. The site was about one quarter of a mile from Rt. 37 on the Tunnel Hill Road, which was a gravel road at that time.

What the officials found when they got there was a man who had been beaten about the head and had been shot. He was quickly identified as Bunice Tyner, a 58 year old Marion, Illinois man. Tyner was the owner of a Marion restaurant and was also in the pinball machine business.

Investigation at the scene and an autopsy determined that Tyner had been beaten about the head with a sharp instrument and then shot three times, one in the head and two in the right side. From evidence it appeared that he had been hit in the head with a hatchet, later found at the scene, then shot three times. There was no evidence that the murder had occurred there but the hatchet that killed him was found in the weeds a few feet from where the car was found. It had been thrown from the site by some person.

Further investigation found that Tyner's car was seen in Marion sometime before 11:00 pm by a service station attendant. He said that there appeared to be three men in the car at that time, two in the front and one in the rear seat. If that was true to the timing, Tyner's car had been parked beside the road south of Goreville just before Bullock saw it as he was returning home.

Questioning people that had contact with Tyner before he was murdered, Sheriff Dallas and State's Attorney Bill Dyer had Tyner's girlfriend, Verbal Helm, brought to Vienna. She said that Tyner stopped by her apartment about 4:00 pm on the day he was murdered and left there about 8:00 pm. When asked if Tyner seemed nervous or unusual, she said that he did not. When asked what she knew about his business affairs, she also said

that he owned Wimpy's Restaurant with his wife, located just north of the intersection of Rt. 37 and Rt. 13. She also said that he owned a few pinball machines placed in different places around Marion. She said that he wanted to have the whole Marion area as his territory for pinball machines.

Tyner and George Callahan of Herrin were in the pinball machine business together. Callahan owned the machines; Tyner found places to put them and collected the money from the machines. Willard "Tiny" Rhoades, who also owned a tavern in Colp, was the repairman for the machines.

There was competition in the pinball machine business in Southern Illinois. Edward L. "Buddy-Buddy" Harris owned several machines in Williamson County. Considering that the competitive business might have been a motive for the murder, Johnson County authorities had Harris brought to Vienna and questioned him. He said that he hardly knew Tyner and gave a good account of his activities on the day of the murder, which were later verified. Tyner's business associates in the pinball business were also questioned but gave no additional information.

Tyner was known to carry a gun at all times. When the body was found in the car, his gun was also found. It had not been fired.

Mrs. Tyner was brought to Vienna and questioned. She said that on the day of the murder, Tyner went to the bank to deposit money and then said he was going to "rob his machines." She said that Tyner carried a wallet, which was not found after he was murdered. When she was first notified of his death, her response was, "I've been expecting it."

The Johnson County investigators also learned from the *Southern Illinoisan* newspaper from Carbondale that they had investigated the pinball machine business the year before. The *Southern* said that they had reported on the business the summer before. Tyner and four or five others who owned and operated night clubs and taverns had told them that they had been threatened by competitors in the pinball business. Some businesses had been attacked by fire.

The article published by the *Southern Illinoisan* in July 1959, reported that tavern operators had been harassed by Williamson County officials because they did not use pinball machines owned by Earl Walker. They reported that businesses that used Walker's machines were allowed to remain open after hours and not interfered with but those who did not were being harassed by those officials. Walker had since that time, sold out to Edward "Buddy-Buddy" Harris.

The *Southern* also reported after Tyner's death, that he had been the third of those tavern operators that had talked to the newsmen the year before, to have problems. Amos Curry, who formerly operated the Green Lantern tavern near Herrin, and Willard "Tiny" Rhoades had properties burned. The Green Lantern was damaged by fire and Rhoades' house was burned in Herrin. Rhoades was also an associate of Tyner in his pinball business.

In the 1959 interview with reporters, Tyner had said that he bought three pinball machines and was told by Williamson County officials that he could not use them in his tavern; if he did, there would be trouble. The next day, three of Walker's machines were brought to his tavern. Tyner pulled the

plugs on Walker's machines and he was later closed and lost his liquor license.

It appeared to Johnson County officials that the murder of Bunice Tyner was more involved than they first thought. They did, however, find fingerprints on the car which led nowhere. They even tried to find any store that might have sold the hatchet and found none like it being sold in the area.

The murderer of Bunice Tyner was never identified. The crime was thought to be tied to the pinball machine business but that was a world that could not be penetrated by authorities. No person ever came forward to identify perpetrators.

In the world of today, pinball machines are innocent gaming devices that have no connection to organized crime. In the world of 1960, that business was connected with gambling which was controlled by people that had to be feared.

In the years previous to laws that regulated it, pinball machines were commonly used as gambling devices. The machines, unlike slot machines, did not pay off to winners, but payoffs were made by tavern owners or other business operators that housed them. Laws were eventually made banning the use of pinball machines for gambling.

An article in the August 13, 1978 *Southern Illinoisan* reported on the history of crime and vending machines. The five year war between Charlie Birger and the Sheltons during Prohibition was just the beginning. When Birger was hanged for murdering the mayor of West City, that battle ended. After World War II, the battles started up again with "Black Charlie" Harris eventually driving the Sheltons out of Southern Illinois. Harris was then arrested and was serving time in the Vienna Correctional center for murdering two people in Wayne County in 1964.

With the end of Harris's control, the gambling business was broken up, then it appeared in a group of small time operators during the early '50's. In 1957, organized crime began to move in on the jukebox, pinball and slot machine business in Southern Illinois. Power struggles began to erupt in the area resulting in bombings and fires to businesses that used these devices.

Tyner, who was a small time operator, had been trying to expand his business when he was murdered. The *Southern Illinoisan* said that at the time of the murder, Tyner was being pressured by "Buddy-Buddy" Harris to use his machines.

Tyner's death was only one of the casualties of the vending machine and gambling business in Southern Illinois during the years of the late '50's and early '60's. His death was never officially solved.

## 1968 – MURDER / SUICIDE

### Ruel Stroud killed Helen Stroud then himself

A man and his wife were found dead on December 10, 1968 at their home, five miles west of Goreville. Earlier that morning, at 5:25 am, a neighbor, Orval Stout, received a telephone call from Mr. Stroud, telling him that he and his wife, Ruth, were having problems. He said to Stout,



"I'm going to do away with myself. I've killed Helen with a shotgun. I've got to go through with it." Stout tried to keep Stroud from killing himself. Ruth Stout, Orval's wife, tried to prolong the conversation as Orval left immediately to tell State Trooper J.W. Jenkins, who lived at Goreville.

During the conversation between Ruel Stroud and Ruth Stout, the desperate man told Ruth, "I've got something bottled up inside me and it's got to come out." He said that he had to kill himself before someone came to the house. Sometime during the conversation, Stroud hung up the phone and Ruth immediately called him back. They talked more and then he hung up the phone again. Ruth called him back but he did not answer.

Stout, in turn, called State Trooper, J.W. Jenkins, who lived at Goreville. Jenkins told Stout to call Sheriff Edwin Casey and immediately went to the Stroud home. On the way, he stopped and picked up the Stroud family's son, Ronald Dale. Arriving at the scene, Jenkins told young Stroud to remain in the car until he could investigate.

Another Trooper, hearing the radio conversation with the Sheriff's office, came to assist. They found only one door unlocked, a back door. When they entered through that door which was just off the kitchen, they found Ruel and Helen Stroud lying side by side on the kitchen floor. They were both dead. A 12 gauge shotgun, apparently used in the murder/suicide, was lying nearby. The single barreled gun was broken open with the used shell still in the barrel. Another spent shell was sitting on the dining table.

Coroner Royce L. Bridges was called and he and Sheriff Ed Casey went to the scene. An inquest was planned for Saturday, December 14th. At that inquest, it was determined that the two had come to their death by gunshot wounds in the chest.

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## **1972 – MURDER BY ARSON**

**Bobby Frank Cherry was responsible for the death of Rebecca Howell**

The night of the 26th day of September, 1972 was a bad night for the village of Simpson. Three houses were destroyed by fire, leaving a nine year old girl dead and her mother in the hospital for burn injuries. An arsonist was suspected of starting the blaze.

The fire began at the home of Willadean Cherry. It then spread to the house next door which was only about ten foot distance. The second home was that of Louis and Louise Russell. The third home, where Mrs. Laura Palmer lived, was about fifty feet distance; but it also caught fire.

The first home where Willadean Cherry lived was also occupied by her five children: Gloria Forcier, age twelve; Rebecca Howell, age nine; Jerri Howell, age six; David Howell, age four; and Keffin Howell, age three. Also visiting in the house was Debra Bridgman, age nineteen.

Gloria and Rebecca were sleeping in the same room on the second floor when the fire broke out at about 1:30 am. The two girls started down the stairs but flames shot up the stairwell and Rebecca ran back up to her bedroom. Gloria then went to help her mother out before going back in and attempted to help Rebecca out, falling and injuring her head. She could not

reach Rebecca. The other children were able to escape but Rebecca died in the fire. Mrs. Cherry received third degree burns and was taken to Western Baptist Hospital in Paducah.

The second home, that of Louis and Louise Russell was occupied by them and their two sons, James, eleven and Ray, age 10. They escaped without harm from their burning home. The third home, that where Laura Palmer lived was occupied only by her and she escaped without harm.

Fifteen minutes after the fire had begun, fire department volunteers were beginning to appear at the scene but were too late to save Rebecca. Sheriff Barry Eastman was also notified. Some who had appeared to fight the fire discovered a five gallon steel GI can near the eastern entrance to the Cherry house where the fire began. The can smelled of kerosene and it was suspected that the fire's origin was arson.

State Fire Marshal Norman Hilton was called to investigate and the can was sent to the Illinois Crime Lab. Tests of the ground around the house showed that it had been soaked with kerosene. Questioning Mrs. Cherry, it was found that the family did not use kerosene for any reason.

The Sheriff's department had four or five suspects to be questioned about the fire. Three of them were subjected to lie detector tests but no results were revealed. The only thing that was said was that some of the stories were not checking out.

Mrs. Cherry was kept at Western Baptist Hospital in Kentucky until she was able to be moved to a burn center hospital in Alabama. The remainder of her family had moved to that state to be cared for by her sister.

A mysterious aspect to the fire was that four weeks previously, an outhouse had been set on fire but did not burn. Two weeks later, and two weeks prior to the house fire, that same outhouse was set on fire and it completely burned.

As time went on, no suspects were brought to justice but the fire was determined to have been caused by an arsonist. Since the house had no insurance, that as a motive was also ruled out.

Some years later the truth about the fire was revealed. To help understand it, a look at Willadean Cherry is necessary. She was formerly married to Bobby Frank Cherry. If that doesn't raise any suspicions, then a look at his history is necessary.

Bobby Frank Cherry, along with other conspirators involved with the Ku Klux Klan, were the men that bombed a church in Birmingham, Alabama in 1963. The incident made national news for several days because not only was the church bombed but four young girls died in the explosion.

The case was investigated and reinvestigated over several years when only two of those responsible remained alive. They were Bobby Frank Cherry and Thomas Blanton. After a final push to bring these two men to justice, Bobby Frank Cherry was convicted in May 2001 and Blanton in May 2002, nearly 39 years after the bombing.

In the conviction of Bobby Frank Cherry, his wife became a witness and helped convict him. Her name was Willadean Cherry, the same one whose daughter died in the 1972 fire in Simpson, Illinois.

A book was published about bringing the criminals to justice for the Birmingham Church bombing that killed four young girls. It is titled, "*Last Chance for Justice: How Relentless Investigators Uncovered New Evidence Convicting the Birmingham Church Bombers.*"

In the book, the witnesses were interviewed, including Willadean Cherry. In questioning she related several stories about Bobby Frank Cherry, one of which was, "his car broke down and I went to get him. And he pointed out the church and said that was the church that he put the bomb under the steps. He said the steps [were] made different then. He said he lit the fuse to it. And he said he regretted that it was children that was killed, but at least they couldn't grow up to have more niggers..."

She said that sometimes he would cry out in his sleep, "The girls! The girls! ...at least they can't breed." She said that he claimed to be Robert Shelton's right hand man, and he said he did everything Robert Shelton wanted him to do. Robert Shelton was the Imperial Wizard of the Ku Klux Klan.

The couple eventually parted after some difficult times. He had become so violent that Willadean had him committed to a mental hospital in 1971. Willadean had also taped a lot of his nightmare ramblings. During the investigation, it was learned that she had made the tapes and the authorities thought that would be a gold mine. When asked if she still had the tapes, she said that they had been lost in a house fire, referring to the 1972 fire at Simpson, Illinois.

In the book, it is revealed that Willadean blamed the fire that killed her daughter on Bobby Frank Cherry. The case was never investigated by Johnson County authorities because they were unaware of Willadean Cherry's statement. Even though murder cases have no statute of limitations and Cherry could still be charged, it is too late. He died in prison in 2004.

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## **1979 – ATTEMPT TO MURDER THE SHERIFF**

**Albert Garza charged with attempting to kill Sheriff Elry Faulkner**

Wednesday night, February 14, 1979 was a night of fog so dense that at times visibility was cut to as little as ten feet. Albert Garza, age 39, of El Paso, Texas and Howard Zumberge, age 28, from Minneapolis, Minnesota, found the fog quite advantageous to their plans of escape from the Maximum Security United States Penitentiary at Marion, Illinois. Scaling two twelve foot tall fences topped by razor wire, the two men made their way out of the prison grounds.

When their escape was discovered, area police and FBI agents began an extensive search for the two criminals. The two escapees were considered dangerous criminals. Garza and Zumberge were both serving sentences for murder and bank robbery. It was discovered that the two had made their way in a southward direction. Evidence was found that they had spent the night in a building in Ferne Clyffe State Park on Thursday night. Bloodhounds were brought in on Friday and picked up their trail several times after losing it as often. The bloodhounds helped officers to believe that the



criminals most likely had hopped a slow moving freight train going from West Frankfort to Joppa on Friday night.

FBI agents, prison guards, Johnson County Sheriff and deputies, and Illinois State Troopers began an extensive search near the railroad from Goreville through West Vienna, Cypress, Karnak and Joppa, along the route the train had traveled. Checking vacant buildings and any hiding place the two escapees might be occupying, the officials made a thorough search, finding nothing.

Elry Faulkner, Johnson County Sheriff, said he went home to shower after being out for nearly three days, before heading out again. Previous to that time, the department had purchased bullet proof vests for the sheriff and deputies. They were of the type worn under their shirts and it was soon discovered that they were hot and uncomfortable. Faulkner said that as he was leaving the house, his wife asked him to put his vest on. After a little give and take in the discussion, he gave in and put it on.

Elry said that as soon as he had put the vest on and was ready to go, Reverend Thomas Penrod, living north of Cypress, called him. Penrod was in the habit of going to the church on Saturday night and turning on the furnace so the building would be warm for Sunday services. He said that, considering the manhunt, he didn't feel right about going there, and asked if Elry would go check the building first, which Elry agreed to.

Picking up Deputy Kenny Byrd, a recent CETA Program employee, he went to West Vienna where he saw two FBI agents sitting there. Larry Davis and Bob Duker recognized Elry and waved him to a stop. They asked where he was going and Elry said, "Down here to check a church; the minister says he wants me to check it." The sheriff said that they had checked the building at 2:00 am that morning but they were going back. The two FBI men said they would follow them.

When the four arrived at the Church of God, north of Cypress, the two FBI agents went to check the front door while Faulkner and Byrd went to check the basement door. When Elry got to the door, he found it locked, but knowing how to open a lock with a pocket knife, he soon had it open. As he was folding his knife, he heard a noise, and saw a man coming toward him and was shot in the chest at an arm's length.

By that time, the two FBI men had come around the building in time to see Elry go down. They were there in an instance, firing at the criminals, stopping only when one of them said, "I'm hit! I'm hit!"

When the man had been shot, he lost the gun that he had used in the initial shooting and went for Elry's gun. Grabbing the gun from Elry, he pointed it at Elry's head and pulled the trigger. When the two had escaped, the man attacking Elry had cut his hand badly on the razor wire fence. He had a bandage on his hand and when he pulled the trigger in an attempt to shoot Elry a second time, the bandage fouled the hammer and did not allow it to close.

Elry said, "You'd be surprised how strong you can get at that moment." He said, "All in the same motion, I pushed him back and I turned the gun around and squeezed the trigger and then he fell and I pushed him off of me."

When the shootout was over, it was discovered that the wounded man was Albert Garza. The other man, Howard Zumberge, had been waiting upstairs to ambush anyone coming through the front door. He had a hatchet and had put tape on the light switch to slow down anyone entering before attacking.

Elry Faulkner had been saved from the first bullet by the vest he had on, the one his wife demanded that he wear. Immediately contacting his wife as soon as he could, he radioed his wife and said, "Hey, you know that object you gave me a while ago?" She said, "Yeah!" Elry then said, "Well, it works." At another time, Elry said, "God has always took care of me, even when I didn't appreciate it."

Garza was taken to the Carbondale Hospital and treated for a gunshot wound that was not serious. After arrest, he and Zumberge were charged with escape and Garza was charged with his assault on Faulkner. Garza was sentenced to five years for escape and ten years for assault on a police officer, to be served after the life term for murder and assault with a deadly weapon.

Zumberge and another inmate that did not complete his escape, Joseph Collins, were sentenced to an additional five years to their sentences.

Editor's Note: Some of the information in the above narrative was collected from a 2011 unpublished interview with Elry Faulkner and Deputy Robert Harner at a meeting of the Johnson County Genealogical & Historical Society.

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## **1984 – MURDERED HIS MOTHER**

### **Ronald R. Duncan shot Lillie Duncan**

August 25, 1984 was the day that Ronald R. Duncan, age 42, of Ozark, shot his mother, Lillie Duncan, age 73. The shooting occurred on Saturday afternoon about 2:30 pm at the home of Mrs. Duncan. Ronald had shot her in the side with a .303 caliber high powered British rifle while they were in the kitchen. Taken to the Harrisburg Medical Center, she was pronounced dead when she arrived there.

Ronald Duncan was charged with murder and armed violence as a result of his actions after the mother and son had argued over a matter. Duncan's bond was set at \$300,000 with a preliminary hearing set for the following Wednesday, August 29th. He was held in the Williamson County jail at Marion.

November 26, 1984 was set for trial in the case but was postponed indefinitely. The reason was so that Duncan could undergo psychiatric evaluation before proceeding.

The trial was eventually brought before the Court in August 1985. Duncan had waived his right to a jury trial and opted for a bench trial before Judge James Williamson. The Judge dismissed the charge of armed violence. Judge Williamson said that since the defense raised "the affirmative defense of insanity at the time of the alleged offense, the burden of going forward with the evidence is on the defendant...."

The defense presented expert testimony from Dr. Saber Girgis, a psychiatrist at the Alton Mental Health Center, who had examined Duncan several times. Dr. Girgis testified that the defendant did not know right from wrong at the time of the shooting.

The State's Attorney, Charles Denham Jr. cross examined Dr. Girgis but presented no expert testimony to refute what the defense had presented. Duncan was found not guilty by reason of insanity. He was returned to the Alton Mental Health Center, a maximum security facility where he was to remain for twenty years.

In June 1990, Duncan was released on a conditional discharge from the Choate Mental Health Center where he had been transferred. Before being released, he was required to present a plan on where and how he would live. The plan said that he would live in a mobile home near other family members. He would be under strict supervision and would receive counseling and take medication for five years.

Brought before Judge Williamson for a hearing, the Judge said, "I do expect you to comply fully with these conditions." State's Attorney Mike McCormick opposed the petition and requested that the court make its own independent evaluation.

That evaluation was conducted by Savoy psychologist Lawrence L. Jeckel and was concurred with by Robert Warshawsky of the Choate Mental Health Center. Jeckel's report stated that Duncan suffered from chronic paranoid schizophrenia but had been in remission.

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## **1984 – MURDERED OVER CIGARETTE LIGHTER**

### **Mary Ann Batson killed Brenda Denson**

The area where the old Curve Inn was located was the site of a murder that occurred on Tuesday night, October 16, 1984. A fight over a cigarette lighter instigated an argument that ended in the death of one of the owners of the Bee Hive Tavern, Brenda Denson, age 42.

According to an investigation, Mary Ann Batson, age 36, of Dongola was alleged to have taken a cigarette lighter that belonged to Brenda Denson, who owned the Bee Hive with her husband, Bill. Mrs. Denson caught up with Mary Ann in the parking lot as she was attempting to leave. An argument over the cigarette lighter became heated, causing Batson to back up her car rapidly, swerving hit Denson with the front of the car, knocking her down, running over her and dragging her body under the car. Denson was apparently killed outright by the heavy 1975 Cadillac. The action appeared to be an intentional act intended to cause injury to Mrs. Denson.

The accident was reported to have been at about 11:40 pm in the parking lot of the Bee Hive Tavern. Batson, attempting to flee, traveled about a few miles south toward Cypress where she ran her car into a ditch north of town and was found walking in Cypress. She was arrested and charged on Wednesday with two counts of murder, one count of manslaughter and one count of reckless homicide. She was taken to the Massac County jail with bail set at \$300,000.



1984 had not seen a murder case to be tried in the Courts of Johnson County for thirty years, the last being the murder of Mrs. Maggie Gray in 1954. The Denson murder case was the second on the Court docket in the same year.

January 1985 saw the beginning of jury selection for the trial. January 23rd was the day that opening arguments began with Judge James R. Williamson, presiding. Testimony continued uninterrupted until Friday, January 25th, when the jury was given the case to decide.

State's Attorney Charles Denham Jr. reminded the jury of the following facts: 1. Mary Ann Batson owned and was driving a 1975 yellow Cadillac; 2. That on October 16, 1984, Mrs. Denson was standing beside the car in the parking lot of the Bee Hive Tavern talking with Mrs. Batson as she sat behind the wheel; 3. That Mrs. Batson backed the auto out of the parking lot in an "unusual fashion;" and 4. That Mrs. Denson ended up dead on the pavement. Denham stated that according to Batson's attorney, she simply got into her car and talked with Mrs. Denson as she drove away.

Prosecution witness, Douglas Strawhacker, testified that he was present and watching the women talking. He said that Mrs. Denson was leaning inside the Batson car. When he looked again, the Cadillac was backing quickly out of the lot, throwing gravel, and he could no longer see Mrs. Denson. After the car backed out onto the pavement, he said he could then see Mrs. Denson's body there.

Batson testified in her own behalf, stating that the two women had talked in the parking lot while she looked for the missing cigarette lighter but could not find it. She said that Denson walked away before she looked behind her and then backed up on the lot and drove away.

Larry Broeking, attorney for Mary Ann Batson, reminded the jury that Batson's car had an exhaust problem and that Batson might have assumed that it was her muffler dragging as she left the Bee Hive that night. Denham then said that the defense had not proven that the muffler was dragging at the time, and even if it were, there is a definite difference between the sound of a dragging muffler and a body being dragged under the car. He also said that whether Mrs. Denson fell or was knocked down was not an issue. One argument that was dealt with by both the defense and prosecution was intent.

The jury took the case at 9:50 am on Friday. Four hours later, the jury returned with the verdict that Mary Ann Batson was guilty of murder, voluntary manslaughter and reckless homicide. Judge Williamson set the sentencing hearing for Wednesday, February 27th at 9:30 am.

On February 27, 1985, motions were presented to throw out two of the charges, which were granted, leaving only the voluntary manslaughter charge still standing. Mary Ann Batson was sentenced to eight years in prison.

After serving twenty two months of her sentence, the Fifth Appellate Court at Mount Vernon reversed her conviction and after Batson agreed to plead guilty of a charge of reckless homicide, she was allowed to pay a fine and serve time on probation. After the plea deal, Batson walked out of the courthouse at Vienna, free for the first time since the incident for which she

was convicted. Her fine was \$5000 and costs. She would spend the next year on probation. According to county officials, it was estimated that the case cost nearly \$20,000 to handle.

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## 1985 – WHO KILLED PAUL HOOK?

Paul Hook, living south of Vienna on Ballowe Church Road, was found dead by his wife of one year, the former Lillian Juanice Thomas, on early Thursday morning, September 19, 1985. According to her, Paul went out to help a customer of his propane business about 8:00 pm. Several hours later, the early hours of Thursday, when he failed to return, she went looking for him. The body was found in a brushy area near the barn about 300 feet from their home. He had been stabbed about 13 times in the chest by what appeared to have been an ice pick. He also had been hit in the head with a blunt object.

Checking the body, it was found that his pockets were empty. He had been in the habit of carrying a wallet and some cash in his pockets. By late Saturday, the murderer of the 68 year old man had not been found. The Coroner's investigation found that he had been dead before being struck in the head. It was also determined that he had been killed on Wednesday night, September 18th. Robbery was believed to be the motive.

By December 9, 1985, the investigation had narrowed to one person. Lillian Juanice Hook, age 43, was arrested and charged with the murder of her husband. Bond was set at \$500,000. Johnson County authorities and the Illinois Division of Criminal Investigation had worked together in the investigation.

At a preliminary hearing held on December 30, 1985, Circuit Judge Louis Horman of Metropolis issued a ruling that the state failed to introduce evidence to show that there was probable cause that Mrs. Hook had murdered her husband. She was released and her bond canceled as a result.

Mrs. Hook's attorney, Bernard Paul, said that it could have been possible that someone from the carnival that had been in town over the week that Hook was killed, might have been responsible for his death. He said that because of the nature of their transient lifestyle, that any one of them could have been at Hook's business looking for propane gas for their recreational homes.

Paul Hook's sister, Ruth Hook Tanner, and three brothers, Carl, Byron and Henry Hook, offered a reward of \$15,000 for information that would help authorities crack the case. The evidence against Hook's wife was only circumstantial and no murder weapon had ever been found, including what appeared to have been a hammer that had struck him in the head.

The reward was for "apprehension, arrest and conviction" of any person involved in the murder. Authorities asked that any information be given to Sheriff Elry Faulkner only.

Almost two years after the murder, Mrs. Hook was living in Tennessee when a second arrest warrant was issued against her. Crocket County, Ten-

nessee sheriff's deputies arrested her on Friday, August 15, 1987 at her home in Alamo, Tennessee. She signed an extradition waiver and was brought to Johnson County by Sheriff Elry Faulkner. A Grand Jury met on Friday and returned an indictment against her. Judge James Williamson signed the arrest warrant and set bond at \$100,000.

Even though Mrs. Hook had been released nearly two years earlier, Johnson County authorities did not stop investigating the case. Approximately 45 days earlier, new evidence had come to them and they continued pursuing more information. Mrs. Hook's trial was scheduled to be heard in November but was then rescheduled for December 1987.

Because of an enormous amount of inflammatory publicity, Mrs. Hook's attorney, Bernard Paul, requested a change of venue. The trial was then moved to Pope County.

Jury selection was begun at Golconda on May 23, 1988. Judge Donald Lowery was scheduled to preside over the trial.

During the trial, the prosecutor said that Mrs. Hook admitted to killing her husband nearly 2½ years before that date. J. Lewis Wingate, Johnson County State's Attorney, said that Mrs. Hook admitted to stabbing her husband in December 1985. The admission was to a cellmate at the Williamson County jail where she was being held.

The prosecution intended to present evidence that the couple had "marital strife," during their first year of marriage. Wingate said that he would also present testimony from another cellmate that would say that Mrs. Hook had a relationship with another woman.

Defense attorney, Paul, said that there was no murder weapon or any witnesses to the murder. He also said that any testimony from cellmates was spurred on by the "lure of a reward."

When the prosecution witness, Linda Boyd, took the stand she said that Mrs. Hook admitted to killing her husband, but "no one would be able to prove it." Boyd also said that while the two were housed together in a cell, Mrs. Hook talked about being gay and that her relationship with another woman had continued on into the Hooks' marriage. She said that Lillian Hook sometimes had her girlfriend stay overnight with the couple, against Paul Hook's wishes.

Defense attorney Paul said that Boyd had quite a few DUI arrests, including one in Johnson County. Paul said that Boyd had been offered a reward by Sheriff Elry Faulkner at about the time the Grand Jury met in August. Boyd said that she had told the sheriff that she wanted no part of any reward.

On Friday, May 27th, Lillian Hook took the stand in her defense. She told of what had happened on the night of the murder. After her testimony, another witness was called and the defense rested their case.

The next day, May 28, 1988, the jury returned with a verdict of not guilty. The question remains, If Lillian Hook did not kill her husband, Paul Hook, who did?

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## **1986 – ATTEMPTED MURDER / SUICIDE**

### **William Richard Davault shot June Davault then himself**

In an area south of Cypress where the Dongola Road and West Eden Road meet Rt. 37, a restaurant once sat that was a real hangout for people in the area. When the restaurant permanently closed, the area surrounding it was occupied by two mobile homes. One of those homes was occupied by William Richard Davault and his wife, June.

On Friday, November 21, 1986, the couple was having a domestic dispute. Family members were standing outside the home as the dispute was going on. Suddenly a shot was heard and then another. The Johnson County Sheriff's office was called after the family heard the shots.

Inside the mobile home they found Richard Davault dead with a gunshot wound in the head and June Davault seriously wounded from another gunshot wound. June Davault was taken to Southeast Missouri Hospital where she was placed in intensive care.

The Illinois State Police and Division of Criminal Investigation were called but found nothing irregular. Richard Davault had apparently shot his wife and then turned the gun on himself. The aftermath of June Davault's hospitalization is unknown.

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## **1994 – SHOOTING DEATH AT LAKE OF EGYPT**

### **Edward Hale shot Robert Eugene Blackburn**

A Saturday night argument turned into a Sunday morning shooting as the clock ticked past midnight on the night of March 12, 1994 going forward into the early morning hours of March 13th. Edward Hale, age 40, shot his sister-in-law's boyfriend, Robert Eugene Blackburn, age 29.

In a mobile home at Eagle Point Bay, Lake of Egypt, Blackburn was living with his girlfriend, Melody Davis. On Saturday night, the 12th of March, the couple left Davis's children with a 13 year old babysitter, a member of the family. The 13 year old was charged with taking care of the three Davis children and her younger brother.

When Blackburn and Davis returned about 10:00 pm, Davis soon fell asleep. The babysitter, evidently supposed to spend the night in the home, was alone with Blackburn when he made sexual advances toward her, one report saying that he fondled her. The girl was frightened and left the home, running about a mile to her grandparents' home, and later talked with her parents about the incident.

Edward Hale, the father of the young girl, as well as other family members went to the home of Blackburn and Melody Davis to get the remainder of the children out of the house. While there, they confronted Hale about improper behavior toward the 13 year old girl. With the family arguing with one another, the melee intensified until Hale pulled a .22 caliber handgun from his pocket and shot Blackburn in the forehead.

Emergency services were called and they immediately transported Hale to Marion Memorial Hospital. Upon arrival, Hale was stabilized and plans

were made to transport by helicopter to St. Francis Medical Center in Cape Girardeau, Missouri. The medical flight left Marion and began the flight when Hale's vital signs began to fail. The helicopter turned around and came back to Marion where Blackburn was pronounced dead at 2:00 am.

Edward Hale, whose residence is at Anna, was arrested for the shooting and taken into custody by Johnson County authorities. He was taken to the Massac County jail and held under a \$10,000 bail. Charges against him were home invasion and armed violence. In a preliminary hearing on March 30th, Hale made a plea of not guilty. His trial was set for July 25, 1994.

At the trial which came on the date originally set, attorneys began their opening arguments. Evidence that was introduced to the jury was consistent with what has been written above. Hale's attorney, Brocton Lockwood, claimed that the pistol was fired by accident, being hit by some other family member as Hale held it in his hand. He said that Hale was shocked when it went off. A forensic pathologist stated that the gun was held about six to twelve inches from Blackburn when it was fired.

A State Police firearms expert had been asked to inspect the gun for any defect which might allow it to go off accidentally. The expert said that he tried firing the single action revolver without cocking it and said that he could not. He said that if a person was pulling the trigger with the hammer not cocked and someone hit the hammer, then it could fire. All this testimony basically eliminating accidental firing unless someone had already pulled the trigger.

Testimony revealed that the shooting occurred within three to five minutes after Hale arrived at the Blackburn residence. Hale said that he saw Blackburn reach for his cowboy boots and believing that he might have a weapon, he pulled his gun from his pocket. Hale said, "I was holding the pistol very tightly. I probably had my finger on the trigger because I didn't want Robert to take the gun away from me." A forensic pathologist said that Hale was 5 feet, 7 inches tall and weighed 155 pounds; Blackburn was 6 feet tall and weighed 180 pounds.

After testimony and closing arguments, the case was turned over to the jury on Monday, August 1, 1994. The jury was out for about 4½ hours. Judge James Williamson read the verdict, "not guilty," and Edward Hale was a free man again.

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## **1995 – SHOT A MAN IN SELF DEFENSE**

### **Larry Ford shot John J. Avery**

A fight broke out at Trovillion's Tavern on Friday night, February 3, 1995. Larry Ford, age 35, and John J. Avery, age 23, became involved in a fight that began with an incident between Ford's nephew and a relative of Avery. According to Ford, Avery threatened him at the tavern.

Ford went to his home south of Vienna and about 1:15 am he heard a car pull up in his driveway. He went to the door and Avery was there. Ford slammed the door but was not quick enough to get it locked before Avery barged into his living room. Ford said that Avery had a knife which was in

a sheath but did not draw it. Ford had a .380 caliber semi-auto handgun and displayed it to Avery and told him he had better leave. Avery said, "If you've got the guts to shoot me then I've got the guts to die."

According to Ford, Avery tried to grab the gun and refused to leave even after Ford told him to go. Ford then shot Avery one time in the upper right side of the chest and he died almost immediately.

Ford then called the Johnson County Sheriff's office and talked to a dispatcher. He said that he needed an ambulance and told the dispatcher he had shot Avery. Ford told the dispatcher that he and Avery had argued at another time before the incident in which Avery was shot.

Vienna Police Chief Neal Watkins investigated the shooting. He interviewed several people, confirming the story that Ford was telling. Those interviewed indicated that Avery was intoxicated at the time of the shooting.

At a Coroner's inquest on Monday night, March 13th, the information already revealed here was presented. Also included was the results of a toxicology report, indicating that Avery's blood alcohol level was twice the .10 level which indicated that a person was legally drunk in 1995.

Also included in the testimony was Melissa Avery, the wife of John J. Avery. She said that she told her husband not to go to Ford's home because there would be trouble. She did, however, go with him when he went to the Ford home and she was sitting in the car when she heard the shot and saw her husband stumble out of the front door and collapse.

The Coroner's Jury came to the conclusion that Avery's death was a homicide but laid blame on no person. State's Attorney Dale Grasher did not bring charges against Larry Ford for shooting John J. Avery. Grasher stated that, "It's a serious matter. A man's life was lost." Grasher also noted, "The law has long recognized the right of individuals to defend themselves in their own homes. Once you retreat to your home, where can you go from there?" Grasher said that there was a strong indication that the shooting was a justified use of force to defend one's self.

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## **1996 – MURDER NEAR SIMPSON**

### **James L. Stevens killed Pamela K. Salazar**

Labor Day weekend was just beginning on Friday, August 30, 1996, when Johnson County Sheriff's Deputies were called to the rural Simpson area about 7:40 pm. The call had come in as an emergency call that someone was not breathing. When they arrived, they found a person administering CPR to a woman lying in the yard outside a mobile home.

The injured woman was taken to Massac Memorial Hospital at Metropolis and then transferred to Lourdes Hospital at Paducah with a severe head injury. James L. Stevens, who also lived at the home, was arrested and held for aggravated battery.

An investigation revealed that 39 year old Pamela K. Salazar, the injured woman, was attempting to take her things and move out of the home where she and Stevens lived. A witness said that the two were outside arguing and Salazar tossed an empty beer can in the general direction of Stevens



but was not trying to hit him. Stevens then grabbed a full bottle of beer and threw it at Salazar, striking her in the back of the head. That was when Salazar fell to the ground and was found to not be breathing.

The next day, when Salazar failed to respond to treatment and found to be unable to recover, life support was removed at 5:15 pm. She died as a result. The charges against Stevens, age 36, were upgraded to first degree murder. He was being held in the Saline County jail at Harrisburg on a \$35,000 bail. Public Defender William Rudert was appointed as his attorney by Judge James Williamson.

In determining his bail, States Attorney Dale Grasher recommended a high bond because of Stevens' past criminal activity and prison time. On the other side, Salazar said that he would not leave the area because he had children. One son, a five year old, was one of the witnesses to the incident. The children have since been living with their grandparents.

Previous to this incident, Stevens had been convicted of four felonies, of which two were aggravated battery which is what he was initially charged with in this case. He had spent time in prison on three different occasions, one of which was because he violated his probation and was found to be driving under the influence at which time he was discovered to have a weapon which is illegal for felons.

The trial was scheduled for January 27, 1997. By that time, the State's Attorney was Brian Trambley and William Rudert remained as Stevens' attorney. At a pretrial hearing on Wednesday, January 8th, Stevens stated that he was not satisfied with his public defender and asked for a new attorney. Stevens, meanwhile, had been transferred from Saline County to the Massac County jail.

After Stevens was offered an amended charge of second degree murder in exchange for a guilty plea, he accepted the offer and was sentenced to thirteen years in prison for the beating death of his girl friend. His trial was scheduled to begin on January 27th, but Stevens entered his plea of guilty on January 23rd. Judge Williamson said that he felt like the second degree murder charge was more appropriate. He told Stevens that he was the cause for most of his problems because of substance abuse and needed to get help while in prison.

Before being transferred to the Menard Correctional Center at Chester, Stevens asked Judge Williamson if he would perform a marriage ceremony for he and 21 year old Amelia Faith Duke of Belknap. The couple had a three year old daughter born out of wedlock. Judge Williamson said he would perform the marriage to legitimize the young daughter. Stevens said that he and Duke had planned to be married before the incident happened in August of the year previous.

With good time credits, Stevens could reduce his sentence by half and be out in six and a half years.

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## **1999 – MURDER OF JOSEPH MICHAEL DUNCAN**

**Ernst Bruny, aided by Donna Duncan killed Joseph Michael Duncan**

A telephone call from police in Winter Haven, Florida on Tuesday, September 28, 1999, began an investigation that would prove to be one of the most tragic murders in the history of Johnson County.

Police in Florida received a phone call at 2:52 a.m. from a co-worker of Donna Duncan. The co-worker stated that Duncan had received a call from her boy friend saying that he had killed Duncan's young son. The caller said that Duncan had said the boy friend had put the body of her 8-year-old son in a suitcase. The police department in Winter Haven called Johnson County authorities and asked that they do a welfare check on the 8-year-old and his younger 5-month-old sister who were supposedly being cared for by the boy friend, Ernst Bruny.

Sheriff Elry Faulkner and Deputy Robert Harner went to the residence at 1205 Egyptian Hills Drive near the Lake of Egypt, just a short distance from the Williamson County line. When they arrived, they were allowed to enter, finding the baby girl but not finding the boy. While checking on the girl, Faulkner and Harner saw what they believed was a dead marijuana plant that had its leaves stripped from it. They also smelled marijuana and found several growing plants in a closet.

Bruny was placed under arrest. While searching for more marijuana, Harner opened a suitcase located in the bathroom and found that it contained a mass inside a plastic bag. Faulkner made small holes in the bag to see what was inside and found clothing and the shape of a body, the body of eight-year-old Joseph Michael Duncan was found.

An autopsy was ordered and Bruny was questioned about the boy's death. During the investigation, it was discovered that Bruny had been beating the boy for weeks leading up to his death, lately two to three times a day for the past three weeks. Bruny said he did not beat the boy during a six day interval when he was confined in his bedroom. Forensic pathologist, Dr. John Heidingsfelder, said the boy died 24 to 48 hours before he was found on Tuesday morning, September 28th. Charges state that Bruny had repeatedly struck Joseph with his hands, a belt and a shoe. The boy died of extensive skin-level bruising to his head, torso, hands and feet.

Sunday, September 26th, 1999 was the last day of Joseph Michael Duncan's short-lived life. Born February 23, 1991 to Donna Duncan, a single mother, Joseph did not enjoy the presence of a father except during a few days in his life. His father, James E. Williams, saw Joseph only a few times in his short life. Williams said that Donna would let him see the boy every once in a while and would let him take the boy for a little while. He did pay child support to Donna Duncan for a while but stopped when she moved out of the area and could not be located.

After Donna met Ernst Bruny, she became more elusive and rarely saw her own family that lived in the Johnston City area. Her mother, Karen Lill, lived at Goreville. Donna had little contact with her family while she lived with Bruny.

Donna, 30 years old at the time of Joseph's death, had gone to Florida to work as a nurse in Winter Haven for Interim Health Care of Lakeland, Florida. She left eight-year-old Joseph and the couple's five-month-old daughter in the care of Bruny, knowing that Bruny was beating Joseph as a means of discipline. It was probably no surprise to her when Bruny called her while she was working and stated that he thought he had killed Joseph. On Monday of that week, Bruny had called Duncan in Florida and she later said that she could hear Joseph gasping for air as he was crying. Bruny had told her that he had to discipline Joseph for defecating on the floor of his room; all this while he was being confined to his room.

When Duncan received the call from Bruny when he suspected that he had killed the boy, she then told her nursing supervisor, "I can't live with myself anymore, I need to tell someone about this." She then told her supervisor that Bruny had beaten her son to death. The supervisor then contacted police in Lakeland.

Duncan was taken into custody and while at the police station, went into the bathroom and broke a light bulb and tried to cut her wrists. She was then taken to an area mental facility for 72-hour observation.

Police in Florida said that Duncan showed little concern for her son but was greatly disturbed and feared that Bruny would do something to himself. She did show some concern that she might lose custody of her five-month-old daughter when she learned that Bruny had been arrested in Illinois.

Later investigation revealed that at the time Bruny notified Duncan that he had killed Joseph, she told him not to notify the police but to conceal the body in a suitcase.

When Duncan was brought back to Illinois, she was allowed a private viewing of Joseph's body at the time of his funeral. Dixie Terry of Goreville wrote a remembrance story about Joseph in 2004 to commemorate his birthday. In her article, she noted that funeral services and a casket had been donated by Whitnel Funeral Home of Goreville, while T & E Ceramics donated a floral spray; American Monument of Marion provided the monument at Lakeview Cemetery in Johnston City where he was buried; Doric Vault Company of Herrin donated a vault and their services; and Lakeview Cemetery donated burial services. Additionally, the community remembered Joseph with gifts of stuffed animals and many flowers.

DCFS (Department of Children and Family Services) took a bad rap in this case, revealing their shortcomings and to use a popular phrase, had let Joseph fall through the cracks. The result of investigations into how they handled the family in previous encounters, caused changes within the department and also strengthened Illinois State Law in regard to child abuse cases.

Duncan and Bruny had previously lived in Marion with Joseph attending Washington Grade School just before moving to the Lake of Egypt area. During May of 1999, DCFS had been notified by the school because a teacher had noticed welts and bruises on Joseph's body. When the family was contacted, Bruny admitted that he had spanked Joseph with an extension cord while he was wearing only underpants. The punishment was the



result of Joseph supposedly lying. DCFS had Bruny and Duncan to each sign a pledge that they would not use that type of punishment again.

When Joseph started school at Goreville in the fall of 1999 because the family had moved to that school district, teachers said that Joseph showed no signs of abuse. He had had no unexcused absences since the start of the school year on August 20th.

A crime of this nature placed Johnson County authorities in the spotlight and everything had to be done in proper order to get a solid conviction that could not be reversed. A timeline of court actions is noted below.

\*At their preliminary hearing, both defendants learned that they were facing first degree murder charges. Each also were facing separate conspiracy charges that involved first degree murder, aggravated battery of a child and concealment of a homicidal death.

\*A grand jury indictment was returned on eleven counts on Bruny and thirteen counts on Duncan. The indictment was returned on Tuesday, Oct 19 at 4:00pm. The case was taken to the grand jury rather than an open preliminary hearing due to the possible impact that testimony at an open preliminary hearing could have on potential jurors, according to State's Attorney Brian Trambley.

\*Explaining the charges, Judge James Williamson said that the aggravated battery charges on Duncan alleges that she allowed and consented to repeated beatings between Sept 17 and Sept 26.

Tim Capps became Bruny's court appointed lead attorney. Terry Green was allowed to replace Public Defender William Rudert in the case because Rudert did not qualify to defend a capital case because he had not been involved in one previously..

\*Donna Duncan's bond was increased from \$100,000 to \$500,000 at the hearing.

\*A new law to take effect January 1, 2000 could help Johnson County defray some of the expenses in prosecuting a case and also help defense attorneys with their costs of defending their clients. The state of Illinois could contribute up to 20 million dollars in a case.

\*At their arraignment on October 27, Judge Williamson set Bruny's trial for Dec. 6 and Duncan's trial for Jan 4.

\*Bruny's trial was reset for March 27.

\*At a December 7 hearing, the states attorney announced that they would not seek the death penalty for Duncan. She was indicted in October on three counts of first degree murder, two counts of aggravated battery of a child, one count each of solicitation of murder, conspiracy of first degree murder, involuntary manslaughter, concealment of a homicidal death, conspiracy of aggravated battery of a child, conspiracy of concealment of a homicidal death, and two counts of endangering the life or the health of a child.

\*Duncan's trial was set to start May 22.

\*Expert witnesses for the defense of Bruny - forensic pathologist Dr. Robert Kirschner of Chicago; clinical psychologist Dr. Michael Althoff of Carbondale; Hurst & Rolfsmeir investigative firm of Fairview Heights. All approved on January 10, 2000.

\*Tuesday, January 18, the Bruny/Duncan house was broken into by Douglas James Flanagan who stole two 19 inch TVs, a VCR, stereo receiver, video game station, clothing, a bong, etc. Flanagan was also a potential prosecution witness because he lived next to the home. Attorney Capps asked that charges be dropped against Bruny because the theft had "irretrievably compromised" the case. The burglarly having been discovered ten days after it had occurred. Attorney Capps said, "Who is to say what else might have been taken that police don't know about, or in what other ways the scene might have been damaged?" States Attorney Trambley said that he didn't believe the case had been affected. The crime scene had been preserved by photographs and video recordings. Trambley said, "Removing those televisions does not detract in any way from what occurred on Sept. 26 and what police found in the house." The house and area had been taped off and the doors were locked and sealed with crime scene tape.

\*Feb 4 court memorandum was entered because it was feared that Duncan would invoke the fifth and not testify at Bruny's trial. In it, the memorandum states that Duncan reportedly called the school on Sep 20 from Florida and stated that there had been a death in her family and "implied" that Joseph was in Florida and asked the teacher to postpone his assignments for the week. She also called the school on Sep 24 and said she was withdrawing Joseph from the school due to the death in her family. She said her family had agreed to pool money together to place Joseph in a private school and that she would return to Illinois in three weeks to retrieve Joseph's belongings at the school and pick up her infant daughter. The memorandum also alleges that Bruny later told Police that Joseph did not attend school the week before his body was found because he had too many bruises. He also allegedly told the police the bruises were from repeated spankings and that he had given the child a lot of spankings in the previous three weeks; two or three times daily except for the period already noted.

\*In April of 2000, the defense attorney argued that a scientific poll was needed to determine potential prejudice. States Attorney Trambley argued that it would help potential jurors to know more about the case.

\*May 3, it was determined that Duncan was unable to understand the proceedings of the court. Judge Williamson decided that if she received treatment, she would be able to stand trial within a year. She was then taken to Alton Mental Health Center for treatment.

\*The telephone survey was conducted on Thursday, May 11, calling 2446 with 924 agreeing to participate. 73% admitted having knowledge of the case and 27% claimed to have no knowledge. Those participating, 46% said that they had received their knowledge from news accounts, 3 % from talk within the community, 51% from both sources. 82% said they thought he was probably guilty, 1% probably innocent, 17% didn't have an opinion. A hearing had been set for June 12-13 to determine whether the case needed a change of venue.

\*June 13, 2000 – Judge Williamson ruled that the case would be moved to Belleville, St. Clair County. Trial was set there July 31, 2000.

\*Tuesday, July 11, 2000 – Bruny pled guilty to first degree murder and was sentenced to life in prison.

\*Evidentiary hearing to determine if Duncan is fit for trial was set for August 28.

\*Duncan was deemed fit for trial on Wednesday, Sept 13. Judge Williamson ruled that she had been legally restored to fitness but that she should stay in the mental health center for further treatment until the trial.

\*Oct 5, 2000 – Judge Williamson ruled on a change of venue for Duncan to Belleville.

\*Jury would hear that Duncan had a duty to protect her child from Bruny. Judge Williamson, in a pretrial hearing, granted a state motion providing that jury members in Duncan's trial be instructed concerning the legal responsibilities of a parent.

\*Nov 22, Duncan opted to have a bench trial decided by Judge Williamson, set for Feb 13, 2001.

\*Feb 23 – Judge Williamson found reason to find Duncan innocent on two first degree murder counts, and the count of conspiracy to commit first degree murder but did not find reason to drop the most significant first degree murder charge or the other counts against her. Other counts include – aggravated battery of a child, concealment of homicidal death, endangering the life of a child, conspiracy to commit aggravated battery of a child and conspiracy in the concealment of a homicidal death.

\*Afterward, during the last week of February – Judge Williamson found her guilty of first degree murder and she could face 35 years in prison. He also found her guilty of aggravated battery and concealment of a homicidal death. Sentencing to be Mar 23.

\*April 23 – Duncan was sentenced to 22 years and will serve two other concurrent charges for the lesser charges, 10 years for aggravated battery and 5 years for concealment.

\*Bruny is serving a life sentence at Menard Correctional Center.

Newspaper accounts of the discovery and resulting investigation through the trials and incarceration of the perpetrators are voluminous. The authors have decided to keep the narration short and precise so the minds of the readers are not clouded by stating the facts of this case over and over. The case is tragic in itself but can be told in fewer words than most narrators will undertake.

The death of Joseph Michael Duncan is one of the most heinous cases of murder in the history of Johnson County. It is without a doubt one that will be remembered long in the history of the area. The citizens of this great county have had enough of murder. It's time to put an end to it.

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## APPENDIX

**THE REGULATORS AND FLATHEADS IN SOUTHERN ILLINOIS**  
**By James A. Rose – Presented to the Illinois State Historical Society**

Mr. President, Ladies and Gentlemen – When I was first informed that I had been selected to prepare for this society a paper dealing with the topic “The Flatheads and Regulators in Southern Illinois,” I made up my mind that I would not be content with the preparation of a paper but would collect from every source possible all the data bearing upon this subject. I have therefore caused to be compiled every thing that could be found in the newspapers of that time, the Illinois Senate and House Journals, the acts of the Legislature, communications in the way of letters written by the Governor and executive orders of the Governor; and in addition to this I have obtained written statements from some of the older citizens giving their recollections of the cause and the result of the disturbance known as the war between the Flatheads and Regulators. I desire now to give credits to the following persons who have kindly furnished me with statements: General Green B. Raum, Mr. James E. Y. Hanna, Mrs. Cornelia P. Boazman and Professor E. W. Edmondson.

And thus I believe I have collected for future reference about all the data it is possible to gather on this subject. This matter I have caused to be typewritten and bound in convenient form, and take great pleasure in presenting it to the Historical Library of the State. This preserves for future historians all that seems possible at this time to obtain on the subject. Having placed the information where it is accessible to anyone who desires to consult it I shall make my paper a brief one. As these documents contain the names of many persons engaged in this struggle and as many of their descendants on both sides are still living, respected citizens in Southern Illinois, I shall in the main refrain from using the names of the participants in the controversy, only making mention of a few incidents of crime and acts of the Regulators as samples.

I may here remark that the attempt to prevent and punish crime by means of regulating parties or societies has not been confined to Southern Illinois. At some time or other in the early settlement of different parts of the State it has become necessary, or, at least found expedient, for the law abiding citizens to band themselves together for the purpose of suppressing crime and exterminating criminals, and the compilation, by a competent person of all the data bearing upon this topic would make a very interesting chapter of Illinois history.

In order to have a correct understanding of my topic it is well to remember that the southern part of the State was the first to be settled. The scene of the struggle between the so-called Regulators, or law abiding people, and the Flatheads or criminals, took place in that part of the territory bordering on the Ohio river, beginning at a point near Cave-in-rock, in Hardin county and extending through the counties of Hardin, Pope and Massac to the Cache river. This territory was early settled by emigrants from Georgia, the Carolinas, Tennessee, Kentucky and Virginia. The great thoroughfare from this

southeastern portion of the United States to the west crossed the Ohio river at Golconda, Illinois. Much of the territory comprising this section of country is hilly and at that time it was thickly timbered. Mammoth oaks, poplars, hickories, pecans and other trees were abundant. The hillsides abounded in springs of clear water. The forests were full of deer, wild turkey and other game; the Ohio river furnished fish. The bottoms, or low lands, were covered with a thick growth of cane and the hillsides with luxuriant grass. Acorns, hickory nuts and pecans were plentiful in the woods. The grass and cane afforded pasture for the cattle most of the year, the hogs being able to live and even fatten on the acorns and nuts. So emigrants from the southeastern portion of the country going westward, after crossing the Ohio river, found themselves in a country where a living could be had with little work and where above all, they were upon free soil, and many of them instead of prosecuting their journey westward settled down in this territory, not, however, on the best lands, but in nearly every instance on the poorest lands, their homes, as a rule, being made on hillsides near springs of clear water.

Again a great many emigrants came down the Ohio river on flat boats or keel boats and were enraptured with this country of beautiful vine-clad hills and stopped and entered government land and remained. So it was that this country was thickly settled when the greater portion of the State was almost uninhabited.

Most of the people were good, law-abiding citizens – poor persons who had become dissatisfied with the existing order of things in the old slave states from which they came. They were not over energetic, nor were they avaricious. They cared very little for more wealth than was necessary to maintain them in comfort in their humble homes. But with them had come a small percentage of persons who had been compelled to leave their old homes in the southern and eastern states because of crime and their tendency to break the laws was not lessened by reason of their exile from their former homes.

As early as 1831, I find it recorded that a man by the name of Sturdevant located in the upper part of Pope county, now a part of Hardin county, and built a blockhouse and fort and entered upon the business of counterfeiting. It is said he was a man of genial manners and exceedingly charitable. He had a number of followers with him and for a number of months he and all his companions seemed to be good, law-abiding citizens. It, however, soon developed that he was making counterfeit bank notes; that he was giving them to his followers who went into adjoining states and distant parts of this State and were engaged in the passing of the money made by Sturdevant. It was found that he was receiving \$16 in good money for each \$100 of counterfeit bank notes that his confederates put in circulation. So well did he succeed in other parts that he soon allowed some of his followers to pass some of the money in the immediate neighborhood. Some of his retainers were arrested and tried, but in every instance they were able to have some one on the jury who would succeed in convincing the other members of the jury of the defendant's innocence, or in securing a mis-trial. Acquittals and mis-trials continued until the people became exasperated and an organization of prominent citizens was formed, composed of such men as Joseph Pryor, Dr. Wm. Sim, Rev. Wm. Rondeau, Hugh McNulty, Major



John Raum, who, with a large body of followers, armed themselves and descended on the Sturdevant stronghold only to find that their movements had been spied upon and that they were expected. A number of shots were exchanged; tradition says that three counterfeiters were killed, but I can not verify it, and finally a charge was made on the stockade and the door broken down. They found, however, that a small piece of artillery was trained on the stairway leading to the Sturdevant stronghold, and a halt was called and reinforcements asked for. During the night Sturdevant and his band of criminals managed to make their escape and were never afterwards heard of in that section of the country. This is one of the earliest records of the citizens of this region taking the law into their own hands.

For a time peace and quiet reigned throughout this section of the country, but soon other depredations began. From time to time a great number of horses were stolen and in nearly every instance it was impossible to trace the theft. Usually the horses were found in the possession of some person moving through the country on his way westward. He would be able to prove the purchase of the horse from some one while passing through this section of the country but would not be able to name or identify the seller. Again the country was flooded with counterfeit bank notes and silver coin. A great deal of it was passed by citizens living along the route of this thoroughfare leading from the ferry westward, and when they were detected their excuse always was that they had received it from some mover passing through the country in exchange for butter, eggs, meat or corn. The fact however became thoroughly impressed on the citizens that many of these persons while maintaining respectability in the neighborhood were connected with a gang of counterfeiters. Whenever any of the prominent, law-abiding citizens let drop any intimation that they suspected persons being connected either with horse stealing or counterfeiting it was not unusual for them to be visited with the burning of their houses or barns, and in a few instances, with either assassination or attempted assassination; and, as before in the Sturdevant matter, whenever arrests were made it was always found that the lawless element in some way or other, either through the chosen officers of the law or by packing the juries succeeded in getting free. Not only were thefts, arson and counterfeiting indulged in during the time intervening from 1831 to about 1838, but another species of crime became somewhat prevalent. A number of people from the south brought in their slaves and manumitted them; purchased homes for them. In some instances the younger members of these colored families were kidnapped and spirited away and sold in the south. In one instance the people took the matter in hand and spent considerable money and time in running the matter down and found the children had been captured, slipped through the country to St. Louis, taken to the regular slave market and sold. In this instance it so happened that a former respectable citizen of Pope county, by the name of Vaughn, had purchased them at the auction sale and then sold them to a southern planter. There was no doubt in the minds of the people that he not only knew of the theft of the children, but that he actually knew the children, that it was he who planned not only this outrage but others of a like nature as well as several robberies in the county. Several arrests were made and the matter was brought before the grand jury. Vaughn was summoned before the grand jury but refused to

testify. Later on he confessed to the grand jury that he had purchased the children in the open market at St. Louis, but they had been delivered to him by Joshua Handley, Peyton Gordon, Caleb Slankard and John Simpkins of Pope county, and Joe Lynn and Hiram Campbell, of Massac county. This proved conclusively that Vaughn, at least, must have known that the children had been kidnapped. All the parties were indicted. Within ten days from this time Vaughn was dead, dying as it was supposed, of apoplexy; but strange to say, as tradition has it, the apoplexy came on immediately after taking a drink of whiskey given him by one of the parties who had been indicted with him. As the confession of Vaughn was the only evidence against the other parties they had to be discharged from custody.

A short time after the death of Vaughn, a man by the name of Henry Sides, with his wife, moved into Pope county and settled some miles north-west of Golconda, freed a number of slaves, bought a farm and worked side by side with them. Soon after this another man named Dabbs came from Tennessee with his slaves and set them free, left enough for their immediate wants and returned to Tennessee where he died, leaving all his estate to his former slaves and making Mr. Sides his executor. The money from the estate, amounting to \$2,000, was shipped to Mr. Sides in two boxes, each containing \$1,000 in silver half dollars. There being no bank in Golconda, he hauled the money home and put it in the loft in a bag of seed cotton. In July, 1846, a gang headed by Hite Green visited the residence of Mr. Sides, knocked him and his wife on the head, stole the money, set fire to the house and fled. Shortly after they left a heavy rainstorm came up and extinguished the fire. Dr. Wm. Sim was in the neighborhood and in some way was informed of the affair. Visiting the house, he found it splashed with blood and the old people insensible. Though mangled, bleeding and all but dead, they were finally revived and told the story of the outrage. The crime excited the people to something like madness. For days a search was kept up, in and around the house. Only a button and knife were found. These were traced to the owner and the guilty parties thus made known. Some proved to be friends and neighbors of the victim. Hiram Green, the leader, was the son of an old and respected citizen. The knife had been made by a local blacksmith for one Ned Hazel, who, when arrested proved that he had disposed of the knife to Dan Hazel. Dan Hazel was then arrested and put in jail, but he refused to say anything about the matter.

At this time the organization called the Regulators was formed. Their object in the beginning was not to visit punishment themselves upon the culprits, but to see that the laws were executed through the courts. With this end in view, in order that no one might escape on straw bonds, the committee notified the sheriff that he was to take no bonds from anyone charged with the crime on the Sides family. This committee was composed of such men as Dr. Wm. Sim, a prominent physician of that time and afterwards a member of the Legislature for several terms; Judge Wesley Sloan, for years a leader in the Legislature and the author of Illinois' first free school law, and latterly a judge for eighteen years on the circuit bench; William Finney, the sheriff, James McCoy, Thomas Campbell, John Raum, father of General Green B. Raum; - and others. Such men as these formed the inner circle or

ruling council of the Regulators. Hundreds of others were enrolled in the cause simply to execute the orders issued by the main council.

The meetings of the council or managers were all secret, and at first no arrests were made until orders were given to make them. This council ordered the arrest of some eight or nine persons alleged to be connected with the attempted murder and robbery of the Sides family. These arrests were made in the regular way and while the sheriff nominally had charge of the prisoners, the Regulators, as a matter of fact, were in control. Whenever they wanted one of the prisoners out of the jail they sent a guard and took him out for the purpose of examination. None of the prisoners were allowed to fill bonds, and the sheriff was ordered to keep them, as far as possible, entirely separated from each other. The prisoners all agreed that if a special term of court was called and indictments returned that they would enter a plea of guilty. But when the court was called and the grand jury empaneled, some of the prisoners who had agreed to make a clean breast of it before the grand jury, refused to testify. Finally Ahab Farmer, a young man of about 19 years of age, whose father and brothers were respected and honest citizens, accepted the terms given by the committee, which was immunity from further punishment. He testified before the grand jury. A bill was returned and the next day, instead of entering a plea of guilty as agreed, the accused pleaded not guilty and the court granted a change of venue to Johnson county. This was where the prisoners expected to go and they hoped to be liberated by their friends when put in the Johnson county jail. But in this they were disappointed. The council ordered it otherwise and kept them in the Golconda jail, and every night a guard of Regulators numbering from fifteen to thirty stood guard around the jail. The Flatheads sent spies to the town to watch the guard and it turned out that reports were made every morning to the headquarters of the Flatheads of just what had occurred in the county seat the night before. The Regulators had spies in the camp of the Flatheads also; and it was learned through them that the Flatheads contemplated a raid on the town, their plan being to set fire to the town in many places at the same time and in the confusion incident to the fires the jail was to be broken open and the prisoners released.

Some arrests were made by the Regulators of the persons who were engaged in this conspiracy. Others were notified to leave the country; others were taken out by the Regulators and whipped. One of the county commissioners, a George Vanduser, showed some little sympathy with the prisoners. He was at once notified by the Regulators that it would be best for him to resign and in some way proper persuasion was brought to bear upon him and his resignation was handed in.

In some way or other the Regulators impressed it upon those suspected of the Sides outrage that the taking of the money was the gist of the whole affair, and the prisoners after consulting among themselves concluded that, if the money was returned, the Regulators would let up on the prosecution. So one of the prisoners, Hite Green, was selected to go with a company of Regulators to look for the money. It was his hope that he would be rescued by his friends. Such, however, was not the case because he was too heavily guarded by the Regulators to admit of any successful effort at rescue. He waded out into a swamp, brought the money out and turned it over to the



Regulators but instead of this appeasing these stern administrators of justice, it only put into their hands, in addition to the confession of young Farmer, the absolute proof of the guilt of the entire party.

It was learned that an effort was to be made to rescue the prisoners on the over-land trip from Golconda to Vienna, the county seat of Johnson county. An army of more than a hundred Regulators, on horseback, marched the entire distance surrounding the prisoners who were heavily chained in wagons. The trial resulted in the conviction of six of the prisoners implicated. Four of them died in the penitentiary.

During the occurrence of these and other stirring events between the Flatheads and Regulators, the Legislature in 1843 erected a new county known as Massac, taking territory from both Pope and Johnson and thus creating a county full of the troubles already existing in the counties of Johnson and Pope. It has been said that the Flatheads were largely instrumental in having this new county of Massac formed in order that they might be freed from the domination of the regulating influence so prevalent in Johnson and Pope counties. Immediately both sides prepared for the political struggle in this new territory. The Regulators, following the example that had been set them in the older counties, formed themselves into companies with captains and leaders, and the Flatheads, likewise, had their organization. The election resulted in the choice of some of the Flatheads to important offices. It is alleged that the sheriff of the county was a Flathead, or in sympathy with them, and that the county clerk was also a Flathead. The Representative in the Legislature, Mr. Enloe, rested under the same charge, and in fact a letter from Mr. Enloe, Representative in the Legislature, to the State Register, which is to be bound in the collection I have filed with the library, tends to substantiate that fact. But the fact that these gentlemen rested under the imputation of being Flatheads does not of necessity imply that they were not good citizens. The conflict between the two factions had already reached the stage where all good men were not Regulators and all bad men were not Flatheads. A point had been reached which is always reached in such movements where bad men were taking advantage of the so called law and order movement to vent their spleen on their enemies and to use the cloak of morality for illegitimate gain.

The cruelties perpetrated by some of the so-called Regulators were such that many good men had begun to revolt. It was a daily occurrence at this time for men under the charge of being Flatheads to be taken out and unmercifully beaten or tortured. Men were strapped across logs and their bare backs beaten to a pulp with hickory whithes. Some were tied to trees with weights hung to their arms and compelled to stand until their tongues protruded from their mouths.

The process of regulating had reached that frenzied point where it became dangerous for any citizen to express sympathy for anybody against whom the slightest imputation of being a Flathead had been lodged. Fathers who attempted to deny or disprove the charge of "Flathead" against their sons were in danger of being driven from the county or summarily treated.

Just prior to the election of county officers in 1846, it is said, that 150 families were notified by the Regulators to leave the county or suffer the consequences, and that just before the election a false charge of counterfeit-

ing was lodged against Mr. Read who was a candidate for re-election as sheriff. It is not therefore to be wondered at that many good citizens, while not in sympathy with anything in the way of counterfeiting or horse-stealing or crime in any form, should revolt against the criminal persecution of innocent people. Perhaps no section of the country has undergone a greater reign of terror than that found in Massac county from about 1843 to about 1850. Mr. Read, after his election to the sheriff's office in 1846, was compelled to leave the country and he spent the winter at the State Capital, not daring to go back into the county in which he had just been re-elected sheriff. There is now in existence in the office of the Secretary of State an order issued by Governor Ford declaring the office of sheriff vacant, for failure to qualify on the part of Read, and ordering an election. This order is dated September 13, 1846, the election being held in August 1846. Across this order, written in pencil, is the word "countermanded". Read afterwards qualified and served out his term of sheriff, and the Legislature in 1847, passed an act extending the time for him to collect the taxes in the county.

At the fall term of the Massac circuit court, Judge Scates delivered a strong charge to the grand jury against the lawless proceedings of the Regulators. Quite a number of indictments were returned against Regulators, they were arrested by the sheriff, and immediately thereafter Regulators from Kentucky and neighboring counties in Illinois assembled in force and threatened to lynch Judge Scates if he ever returned to hold court in Massac county; and the grand jury and the witnesses who testified before them were ordered to leave the country under pain of punishment. The records show that Judge Scates resigned January 11, 1847. Strange to say, notwithstanding this procedure on the part of the so-called Regulators, the moderate men were afraid to join the sheriff when summoned to protect the jail and the court; but there did volunteer sixty or seventy men, most of whom were known to be notorious rogues and undoubted Flatheads. The Regulators, originally formed to uphold the law and strengthen the hands of the courts, found the courts at last arrayed against them and the rogues and Flatheads joining hands with the legally constituted authorities for the suppression of the lawless acts of these self-constituted guardians of the law and of the public welfare. The original motives of the Regulators were good and their methods the best at their command. By this time their motives were not above suspicion and their methods indefensible, and it was hard to determine from time to time which side was the side of the good citizen.

The band of Regulators convened as above stated and marched in force several hundred strong against the sheriff and his party with a view to releasing the Regulators who were prisoners in the custody of the sheriff, but before violence was used on either side a parley was entered into in which the sheriff's party promised to give up the prisoners under promise of exemption from violence. The Regulators liberated their friends and carried several of the sheriff's posse with them as prisoners, murdering some of them by drowning them in the Ohio river. The sheriff and his friends, after formal notification to leave, were driven out of the county. The sheriff, the representative elect, Mr. Enloe, and another gentleman proceeded to see Gov. Ford, who was at Nauvoo with a military force endeavoring to reinstate the exiled citizens of Hancock county. He was asked to send a military force to

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Massac, but as he was within twenty days of the end of his term he was loath to begin measures he thought might not be approved by his successor. He felt certain that it would be useless to order the militia to go to Massac to protect the horse-thieves. He also knew that the militia could not be raised for that purpose. He issued an order to Dr. Wm. I. Gibbs, of Johnson county, authorizing him to call upon the militia officers of some of the neighboring counties for a force to protect the sheriff and other county officers, the magistrates, the grand jury and the witnesses before them, and the honest part of the community.

Dr. Gibbs went to Massac county, and on Wednesday, November 11, 1846, he called a meeting at the Metropolis House, in Metropolis City, when on motion of Richard S. Nelson, Dr. W.I. Gibbs was elected chairman and John B. Hicks, secretary. On the suggestion of the chairman a resolution was introduced that five justices of the peace be selected by the chair from the five counties named in the order of the Governor, should meet at the Metropolis House, whose duty it should be to hear and determine upon any charge of a criminal character that might be preferred against any citizen of Massac county; and, on motion, the 21st day of November, 1846, was set as the day when the witnesses should appear before the justices of the peace named by Dr. Gibbs. The Regulators failed to appear before the justices of the peace, whereupon Dr. Gibbs adjudged there were no rogues in Massac county and that all were entitled to protection against the Regulators. He called out the militia of Union and other counties, but the militia refused to turn out for the protection of rogues. The Regulators were left undisputed masters of the county. They now proceeded to arrest a number of suspected persons and tried them before a committee. Some were acquitted, others convicted and were whipped or were tarred and feathered. The number implicated in counterfeiting increased. Many persons, before considered honest men, were now implicated, which increased the excitement. Many who were formerly in favor of the Regulators now left them and disapproved of their conduct. Thus the attempt on the part of Governor Ford seems to have increased rather than to have diminished the trouble.

As a sample of some of the atrocities committed I will relate the following incident: The Regulators attempted to compel a man by the name of Mathis to tell of the guilt of certain suspected persons in his neighborhood. Upon his refusal to do so they attempted to arrest him without a warrant; he and his wife resisted. She was a strong woman and knocked two or three down with her fists when a gun was presented to her breast and she was told her heart would be shot out if she resisted. She caught the gun and shoved it down when it was discharged and she was shot through the thigh. The Regulators claimed the shot was accidental. The old lady got out warrants for the perpetrators of the crime and they were arrested by the authorities and taken to the Metropolis House and placed under a guard, while search was made for old man Mathis who could not be found. The news of the arrests went all over the county and it was rumored the Flatheads intended to put the suspects to death in case they were not convicted. A large force of Regulators went to Metropolis to release the prisoners, but they found the sheriff with a party about as strong as their own. A compromise was made by the unconditional release of the prisoners. After securing their friends,



the Regulators arrested several members of the sheriff's guard and turned them over to their Kentucky allies to deal with as they saw fit.

On December 23, 1846 a convention of regulators composed of five delegates each from Pope, Johnson and Massac counties met at Golconda, in secret session, and ordered the sheriff of Massac county, the clerk of the county court and many other citizens to leave the country within thirty days. The sheriff and many others left the country, many of them coming to Springfield and appeared before the Legislature asking for relief.

Descriptions of some of these events may be found in the Paducah papers, New Orleans Picayune, Louisville Journal, New York papers, Saturday Evening Post and Saturday Courier of Philadelphia, St. Louis Republican and other papers, extracts from which can be found in the bound volume heretofore referred to as being filed by me in the Historical Library.

The Legislature which met December 7, 1846, took cognizance of the matter by instructing the Judiciary Committee to examine the existing laws and report such amendments as might be necessary in relation to the power of the Governor to quell riots, etc. Immediately on the inauguration of Governor French he communicated with Dr. William I. Gibbs, of whom I have heretofore made mention as being appointed by Governor Ford to look into the matter in the following language:

*December 26, 1846*

*Dear Sir: - I am just informed by a letter from Governor Ford that you had received some orders from him in relation to the difficulties in Massac county. He informs me that by your report and the published proceedings, which took place while under his orders, you failed to discover who the notorious rogues and horse thieves were against whom the people had become exasperated. That from the fact that the "Regulators" refused to appear and point these characters out, you hereby inferred that none such existed in your county and have formed your course accordingly. This he regards as founded in error. You will therefore suspend any further action in the matter under his orders until further advised from me in regard to the matter. In the meantime I will be pleased with any suggestions from you touching this unpleasant difficulty.*

*August C. French*

*Commander in Chief, Illinois Militia*

On the same day the Governor wrote to Captain Akin, of Benton, Franklin county, requesting him to go to Massac to make an investigation, and cautioned him to be prudent and observe an impartial position between the parties. He went to Massac county, accompanied by A.D. Duff, who afterwards became one of the leading jurists of the country, and Samuel K. Casey. The three made a report to the Governor, and they concluded their report in the following language:

*From the best information we could learn there are but few responsible men who take an open part in favor of the "Regulators" at this time, but there are some influential men behind the curtain, and stimulating others to act; some very abandoned, and some very honest men, who are acting with the best intentions; and the same may be said of the Flatheads. Of this, however, we feel confident that a large majority of the people of that county are*

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*sick and tired of the difficulties, and are anxious to see them at an end. If allowed to continue no good citizen can remain in the country.*

From the journals of the Legislature of that session it seems that some part of almost every day was taken up with the discussion of bills for the relief of the trouble in Massac county. A number of interesting speeches appeared before the Judiciary Committee, a number of interesting speeches were made by Mr. Stickney, Mr. Tappan, of Macoupin; Mr. Eddy, of Galatin; Mr. Marshall, of Hamilton, latterly for many years an honored representative in Congress; Mr. Underwood, of St. Clair, and Mr. Hicks, of Galatin, of the House, and Senators McRoberts, of Vermilion, and Davis, of Massac.

On January 11, 1847, by resolution of the House, the Governor was requested to transmit any late news in relation to the Massac difficulties, and in answer thereto he submitted the letter received from Captain Akin, heretofore referred to. Nothing definite, however, was done by the Legislature. Just how far the influence of politics went in the matter I am unable to say; but that the people in some portions of the State became exasperated by legislative delay is evinced by a resolution passed at a mass convention at Benton, Franklin county, January 26th, 1847, which is as follows:

*Whereas, The unfortunate difficulties in Massac county continue unabated; the party called "Regulators," not only killing, whipping and torturing, in every way possible, men, but are engaged in tearing down houses, over the head of defenseless women and children, turning them adrift in the inclemency of the weather, unprotected; insulting and abusing them; trampling under their feet all law and order, and the dearest and best rights of American citizens; therefore, be it.*

*Resolved, that we have lost all confidence in the Legislature passing any law to restore order, and punish the guilty, and secure the innocent in the enjoyment of their rights as American citizens.*

*Resolved, that in the absence of any action in the Legislative department, we call upon the Executive of Illinois to take the 'responsibility,' and with any necessary force put down the insurrection, punish the guilty, and protect the interest of the innocents; and that he be earnestly requested to act immediately and promptly.*

*Resolved, that as lovers of justice, humanity, and the maintenance of the supremacy of the laws, we cannot longer look on with indifference, while such scenes of violence are being perpetrated, and unless the proper authorities act, and act promptly and efficiently, we believe it our duty to take the responsibility into our hands, and save innocent women and children harmless in the enjoyment of their homes, let consequences be what they may.*

*Resolved, that a copy of the proceedings of this meeting be sent to the Governor of the State, and a copy to the editor of the State Register for publication.*

*When on motion the meeting adjourned.*

*W.R. Browning, Chairman*

*W.S. Akin, Secretary*

The foregoing resolution was submitted to the Legislature and laid on the table.

Finally the Legislature passed an act establishing a district court in the State of Illinois. The act provided that the court have jurisdiction in all criminal cases; that the Governor, when he is satisfied that it is essential to preserve law and order shall give notice in writing to the district judge to call such court within 30 days after such notice; that it shall be the duty of the judge to issue a precept to each of the sheriffs of the counties in the district to summon from each of the counties a fair proportion to be fixed by the judge of grand and petit jurors; that the prosecuting attorney of the district shall act as prosecutor; that the judge shall have power to appoint a prosecuting attorney pro tem, or assistant attorney, a marshal, who shall perform the duties required of sheriffs, and a clerk of the court. Process to be issued to the marshal and executed by him or by all sheriffs and constables. This bill was approved February 20, 1847.

On March 27th, 1847, Governor French issued his proclamation directed to Judge Wm. A. Denning, requiring him to hold a term of the district court for the trial of such persons as might be brought before it on a charge of aiding or being connected with any unlawful association in the county of Massac styling themselves Regulators. He wrote the Judge a strong letter of instructions, winding up by saying, "Almost everything depends upon the coolness, firmness and steady energy of this officer (the marshal) to sustain his ground at all hazards let the consequence be what it may. Keep me advised. Should any additional arms be necessary let me know and I will give orders that they await your demand at Alton." George W. Akin was appointed marshal of the district. T.B. Cantrall, clerk of the district court, and S.K. Casey, assistant prosecuting attorney of the district court.

The court provided for in the act of the Legislature was called to meet at Benton, Franklin county, on Thursday, April 22, 1847. The balance of the week was taken up in the taking of bail. On Monday of the second week of court, Judge Walter B. Scates, who had resigned from the circuit bench, and Hon. John A. McClernand, argued a plea to the jurisdiction of the court, taking the ground that the court could not hear the cases on account of the fact that the offences, if committed at all, had been committed in the county of Massac. After a nine days' session taken up in the arguing of motions, etc., the court adjourned until May 24th. The only record that can be found that there was ever any further holding of the court is the rendering of an expense account by the officers of the court. So far as I have been able to find there is no record in existence of any trial or conviction or acquittal or in fact any record of the court at all.

Law breaking continued to be prevalent on both sides. Lynchings in the way of whipping, ducking and compelling people to leave the country were continued, and instead of the provisional court improving the situation it seems to have had the opposite effect.

At the session of the Legislature, which met in December, 1848, and continued during the winter of 1848 and 1849, an amendment was made to the act for the suppression of riots. This session of the Legislature, the records show, also called for information from Governor French, all of which appears fully in the papers filed with the Historical Society.



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At the election of August, 1849, John W. Read was re-elected sheriff of Massac by a large majority. The Daily Journal of Springfield, dated August 7th, 1849, in speaking of affairs in Massac county, says: "There is a perfect lawless state of things existing at Massac in this State. About two weeks ago in an encounter between the Flatheads and Regulators two of the former, Samuel Taylor and Robert Canada, were killed, and Daniel Enloe, son of a former representative wounded. Clinton King, on the side of the Regulators, was killed, and two others wounded, one dangerously. Both parties were well armed. Affairs are represented as proceeding from bad to worse, constantly. One of the parties will have to leave the country."

On August 8th, the Journal says: "The feud between the Regulators and the Flatheads has been renewed in Massac county. The Cairo Delta says that the Metropolis and its vicinity has been the scene of a high state of excitement for two weeks past. A barn owned by a Mr. Tolson was burned. A quarrel ensued between the two parties, in which three persons were killed and a number wounded." A complete description, in detail, of this battle between the Flatheads and Regulators will be found in the papers filed by me in the Historical Library, and I will not take up time by reading it, except to say that the evidence shows that there were about sixty Flatheads and eighty Regulators participating in the affray.

The success of the people in favor of moderation had apparently again emboldened the criminals of the county, and the Flatheads had gathered in large numbers for the purpose of getting hold of two men by the name of Backus and Shelby; and the Regulators, reinforced by a large number of citizens of Pope and Johnson counties and from Paducah, Ky., went to the rescue of Shelby and Backus and this, it seems, was the immediate cause of the battle.

The Sangamo Journal on August 24th, says, editorially: "The state of affairs in Massac county is most disheartening. Something should be promptly done there to secure life, liberty and property in that region."

The Governor, by his proclamation, called a special session of the Legislature to meet on October 22, 1849. The proclamation will be found set out at large in the papers filed. In this proclamation convening the extra session the Governor says: "The executive has been called upon to arrest these outrages by the employment of military force, the existing laws being clearly inadequate," but he says in effect that he was thereby driven to the alternative of either sending a military force into that county involving the necessity of keeping it there an indefinite time, or of referring the matter to the General Assembly for the enactment of such laws as the emergency might require. Again in the message, he says: "I have no hesitation in declaring my preference for a special session for this purpose alone, to the employment of military force, except in the last resort."

The Governor's message in regard to the Massac difficulties was referred to the Judiciary Committee, composed of Yates, Bond, Linder, Bradley, Crandell, Dearborn, Guthrie, Keating, Page, Pattison, Smith, Waller, Walker, Carlin and Haven; several of these names have become almost household words in this State.

On October 26th, a resolution was offered to lay before the Legislature all the information in the Governor's possession concerning conditions in

Massac county. In answer to which resolution the Governor transmitted a message together with the *ex parte* affidavits of John W. Read, sheriff; David Leach, clerk, John McDonald, Reuben King, Samuel Mussellman, justice of the peace; Wm. W. Clark, constable of Massac county; setting forth the facts that it was impossible to enforce the laws or the process of the court. Also a report from Francis M. Rawlings, States Attorney for the Third Judicial Circuit. On October 30<sup>th</sup>, a bill was reported extending the jurisdiction of the circuit courts, which was rapidly passed through both houses of the Legislature and on November 3<sup>rd</sup> was approved by Governor French.

The convening of the Legislature and the passage of the act extending the jurisdiction of the circuit courts and the evident intent manifested by the Legislature and the Governor to enforce the law seems to have had a very salutary effect and lawlessness gradually subsided. By the close of 1850 peace and quiet reigned not only in Massac county, but in the other counties which had been affected by the contest.

During the years in which the struggle between the Flatheads and the Regulators continued it is impossible to determine how many persons were killed either in open fights or by assassination, how many persons were driven out of the country, or how many hundreds had been whipped or maltreated. But, strange to say, when the end came it came most suddenly; and, while both sides before that time had grown into a condition of being willing at any time to resist the process of the courts, almost with one accord the entire mass of people Acquiesced and assisted in upholding the laws of the State. And from the close of the Regulator-Flathead struggle there has been no more law-abiding people to be found anywhere than in the counties of Massac, Pope, Johnson and Hardin. Mob law has never been heard of since. There is, perhaps, as small a number of crimes committed in proportion to the population as in any other portion of the United States, and the statistics show that when the life of the Nation was imperiled by the rebellion of the southern states these counties furnished a larger number of volunteer troops in proportion to inhabitants than any other section of the State.

While for years there still lingered a prejudice in the minds of some against those who had been identified with the Flatheads, yet that feeling has entirely passed away. Some of the best citizens of this part of the State are descendants of persons who were actually engaged in what was known as the Flathead side of the conflict.

In closing permit me to say that I realize that this paper is of necessity somewhat disjointed in its statements. This occurs very largely from the fact that from the records to be obtained it is impossible to give anything like a continuous, connected account of the affair.

I again desire to extend my thanks to the parties in the first part of this address for the information they have given me, and also to accord to my private secretary, Mr. Theo. S. McCoy, a large measure of praise for his efforts in collecting what I believe to be all the data to be found on this subject.







The Law and Judge Lynch represents the tension that existed between the legal system and the people's way of dispensing justice. Early in the history of Johnson County, the legal system was so weak that it brought no sense of satisfaction to the injured person. No real punishment was dealt to the offenders. To counter this, the people reacted much as "The Regulators" did in our early years. They became the court and the justice system, independent of the government.

Justice was sometimes dispensed at the hands of the public, even by lynching. This type of justice was often referred to as "Judge Lynch" stepping in. The resistance of the people to allow the courts to dispense justice was usually disguised. Vigilante justice sometimes crept into our court system. Juries found people guilty or not guilty, not because of the evidence but because of public sentiment. Some men were allowed to go free when they should have ended up at the end of a noose, while others received the full punishment of the law.

Although often disguised, vigilante justice ran through most of the first century of Johnson County's existence. Perhaps the real title of this book should be "The Law vs. Judge Lynch."

The court cases represented here were selected to be included in this book because they fit a certain standard – a human being dying at the hands of another human, by intentional design.

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